DOCUMENT RESUME

ED 459 504 CS 510 722

TITLE	Proceedings of the Annual Meeting of the Association for Education in Journalism and Mass Communication (84th, Washington, DC, August 5-8, 2001). Media Ethics Division.
INSTITUTION	Association for Education in Journalism and Mass Communication.
PUB DATE	2001-08-00
NOTE	192p.; For other sections of the 2001 proceedings, see CS 510 704-724.
PUB TYPE	Collected Works - Proceedings (021)
EDRS PRICE	MF01/PC08 Plus Postage.
DESCRIPTORS	*College Faculty; *Ethics; Higher Education; Journalism; *Journalism Education; *Privacy; *Rape; Student Attitudes; Teacher Attitudes; *Victims of Crime
IDENTIFIERS	Cloning; *Fairness Doctrine; *Hate Speech; Journalists; Ku Klux Klan; Television News

ABSTRACT

The Media Ethics section of the proceedings contains the following 7 selected papers: "The Ethics Agenda of the Mass Communication Professorate" (Jay Black, Bruce Garrison, Fred Fedler, and Doug White); "What Would the Editor Do? A Three-Year Study of Student-Journalists and the Naming of Rape Victims in the Press" (Kim E. Karloff); "The Role of Questions in TV News Coverage of the Ethics of Cloning" (David A. Craig and Vladan Pantic); "Privacy and the Pack: Ethical Considerations Faced by Local Papers Covering the JFK Jr. Plane Crash" (Mark W. Mulcahy); "History, Hate and Hegemony: What's a Journalist To Do?" (Bonnie Brennen and Lee Wilkins); "The Fairness Factor: Exploring the Perception Gap between Journalists and the Public" (Deborah Gump); and "Leaks: How Do Codes of Ethics Address Them?" (Taegyu Son). (RS)

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The Ethics Agenda of the Mass Communication Professoriate

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Abstract

This study reviews a growing body of faculty ethics literature and surveys one-quarter of the AEJMC membership about its attitudes toward 65 different issues. Forty-eight percent of the 775 people who received the mail questionnaire in late 2000 provided usable responses. They indicated that in many respects journalism and mass communications faculty are very similar to colleagues from other disciplines, but on many items, are far more sensitive to the welfare of students.

A paper presented to the Media Ethics Division of the Association for Education in Journalism and Mass Communication, Washington, D.C., August 2001.

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The Ethics Agenda of the Mass Communication Professoriate

Introduction

> The myth that institutions of higher education are sheltered from the struggles of the "real world" is widely accepted even by people who should know better—those of us in academic settings who confront, struggle with, bemoan, or try to ignore the serious ethical issues that arise....There are many benefits of higher education, but immunity from ethical problems is not one of them.
>
> —Robinson & Moulton, *Ethical Problems in Higher Education* (1985), p. 1

The opening page of Robinson and Moulton's 1985 book *Ethical Problems in Higher Education* works quickly to shatter what the authors called the "ivory tower myth." The ensuing decades have confirmed Robinson and Moulton's claim that the professoriate is not immune from the vicissitudes of other professions. In particular, as many recent studies attest, faculty members' unique relationships with students raise a plethora of issues over the imbalance of power, and the academy's demands for research productivity and professional stewardship and its unique policies of hiring, promoting, and tenuring its own members—peer review—also can prove ethically problematic.

Systematic studies of other academic fields have concentrated on faculty members' roles as teachers, researchers, and stewards (Birch *et al*, 1999; Keith-Spiegel *et al.*, 1993; Miles, 2000; Payne, 1987; Rich, 1984; Robertson & Grant, 1982; Robinson & Moulton, 1985; Scriven, 1982; Shils, 1983; Simms, 2000; Swazey *et al.*, 1993; Sykes, 1988; Tabachnick *et* al., 1991; Walter & Von Gilnow, 1987), while raising a variety of sub-topics such as conflicts of interest, civility, and autonomy (Bradley, 2000; Cahn, 1986; Callahan, 1982; Dill, 1982-A&B; Godkin, 1987; Kerr, 1994; Knight & Auster, 1999; Majumar, 2000; Payne & Desman, 1987; Schrag, 2000-A&B; Whicker & Kronenfeld, 1994; Wilson, 1982). Descriptive and normative studies of academic ethics have grown exponentially of late, and the rich literature offers much to educators in any disciplines who are interested in the subject.

John Martin Rich said in the preface to his 1984 *Professional Ethics in Education* that the study and practice of professional ethics in education did not match the accomplishments in fields such as medicine, law, and business, and that "for education to advance as a profession, far greater attention and concern must be given to professional ethics and its instruction" (p. v). The literature cited above suggests that this is precisely what has happened in the past two decades in the general field of higher education.

Professors of mass communications are no more immune from ethical dilemmas than are any other faculty, but their ethical views and standards have not been investigated to any great length (Black & Steele, 1991; Garramone &

Kennamer, 1989; Roberts *et al.*, 1992; Schiff & Ryan, 1996). The present study adds to a limited body of research about mass communications faculty ethics.

The role of the professor as teacher. One of the most basic ethical issues for the professoriate is the problem of justice and fairness when teaching and dealing with students. Educators are charged to use their power wisely and for the good of their students—or "clients," as they are called by some who see the professor's role as that of a professional serving various constituencies. The literature in this field is vast, and it is filled with ethical implications of who, what, and how to teach; how to test; how to deal with cheating and dishonesty; how to deal with vulnerable students; how to establish and maintain a just system.

Questions that address these concerns have been raised by scholars from a variety of disciplines. Some of the most insightful and general observations can be found in a 1982 theme issue of the *Journal of Higher Education* (see, in particular, the essays by Schurr, Callahan, Scriven, and Baumgarten), John Martin Rich's 1984 book *Professional Ethics in Education*, a 1993 *Journal of Education* study by Delattre and Russell, Ernest Boyer's *Scholarship Reconsidered* (1990), and *The Ethics of Teaching* (1993) by Patricia Keith-Spiegel and her colleagues. Similar topics have been raised in the more popular books by Martin Anderson (1992), Derek Bok (1986), Dinesh D'Souza (1991), Henry Rosovsky (1990), and Charles Sykes (1988), among others—some of whom wrote passionately and with attitude about the professoriate.

> Over the past few years, a new genre of popular literature has arisen, one that characterizes college and university professors as an egocentric, lazy, and uncaring lot who barely tolerate the teaching duties of the professorate, especially when the students are undergraduates.
>
> —Patricia Keith-Spiegel, *The Ethics of Teaching: A Casebook* (1993), p. xi.

Other, more specific issues have also been addressed:

• Is it permissible for faculty to express their religious and political views in class (Baumgarten, 1982; Robertson & Grant, 1982; Schrag, 2000-A&B; Simms, 2000)?

• How does faculty deal with the "reality" that some students are more likeable than others (Keith-Spiegel *et al.*, 1993; Robinson & Grant, 1982; Scriven, 1982; Simms, 2000), or the temptation to belittle students who just don't get it or who have lousy attitudes (Keith-Spiegel *et al.*, 1993; Murray, 1996; Schrag, 2000-B; Scriven, 1982; Wilson, 1982), or the temptation to inflate grades to "buy" positive student evaluations (Birch *et al.*, 1999; Tabachnick *et al.*, 1991)?

• Should professors always grade on a strict curve, or is it OK to give passing grades to students who could not pass tests, but try hard—and what about simply relaxing the rules occasionally due to extenuating circumstances (Birch *et al.*, 1999; Tabachnick *et al.*, 1991); what about holding athletes or minority students to

different standards of performance (Birch *et al.*, 1999; Murray, 1996; Tabachnick *et al.*, 1991)?

•What is faculty to do when tempted to become romantically involved with students (Callahan, 1982; Hodges, 1997; Keith-Spiegel *et al.*, 1993; Murray, 1996; Robertson & Grant, 1982; Robinson & Moulton, 1985; Simms, 2000; Swazey *et al.*, 1993), or merely to hug them (Birch *et al.*, 1999; Tabachnick *et al.*, 1991)?

• How does either the self-confident or the insecure faculty member handle a mistake made in previous lectures (Shils, 1983), present views that strongly differ from his or her own, and perhaps criticize other specialty or fields of study within the department (Birch *et al.*, 1999; Callahan, 1982; Keith-Spiegel *et al.*, 1993; Miller, 2000; Murray, 1996; Schrag, 2000-A&B; Scriven, 1982; Shils, 1983; Simms, 2000; Tabachnick *et al.*, 1991), deal with remarks made by students or colleagues that are racist, sexist, or otherwise derogatory (Birch *et al.*, 1999; Keith-Spiegel *et al.*, 1993; Schrag, 2000-B; Scriven, 1982; Tabachnick *et al.*, 1991), or handle evidence of cheating (Birch *et al.*, 1999; Callahan, 1982; Keith-Spiegel *et al.*, 1993; Scriven, 1982; Swazey *et al.*, 1993; Tabachnick *et al.*, 1991; Wilson, 1982)?

• Is it morally permissible for a professor to require students to buy textbooks he or she has written, to fail to keep scheduled office hours, to fail to give students a syllabus or course outline that specifies course rules and requirements, or to teach a course that differs significantly from materials or content listed in the course syllabus or college catalog (Birch *et al*, 1999; Keith-Spiegel *et al.*, 1993; Scriven, 1982; Simms, 2000; Tabachnick *et al.*, 1991)?

• When teaching and mentoring, is it permissible to set standards for student performance (e.g., being on time, being prepared, being civil), yet fail to conform to those standards oneself (Keith-Spiegel *et al.*, 1993; Scriven, 1982; Shils, 1983; Simms, 2000; Wilson, 1982), or to share with colleagues confidential disclosures made by a student (Birch *et al.*, 1999; Keith-Spiegel *et al.*, 1993; Tabachnick *et al.*, 1991; Wilson, 2000)?

• Is it OK to fail to provide negative comments on a paper or exam—or in letters of recommendation—when these comments reflect one's honest assessment of the student's performance, or to fail to thoroughly read theses, dissertations, or comprehensive exams (Birch *et al.*, 1999; Keith-Spiegel *et al.*, 1993; Rich, 1984; Scriven, 1982; Tabachnick *et al.*, 1991)?

The role of the professor as researcher. The debate over how much teaching and how much research are necessary in the academy is only the tip of the iceberg of a long-standing debate over professors' job descriptions. Most of the literature cited at the outset of our discussion of "the role of the teacher" has also raised questions about the nature and quality of academic research and all the ethical dilemmas inherent in the work. While some critics (see esp. Martin Anderson's *Impostors in the Temple* [1992] and Charles Sykes' *ProfScam* [1988]) have scorned the academic community for cranking out and rewarding research that is indecipherable and of limited value ("unreadable and unread" is the usual jibe), many scholars have systematically and evenhandedly addressed the ethically problematic issues of faculty research. Payne and Charnov's *Ethical Dilemmas for Academic Professionals* (1987) is one example. Ernest Boyer's 1990 book for the

Carnegie Foundation for the Advancement of Teaching, *Scholarship Reconsidered,* is perhaps the most provocative and even-handed of the recent body of literature, calling as it does for an improvement of both teaching and research and a system that rewards both.

Among the many concerns raised in the literature:

• How does one balance one's own research interests with students' educational needs (Anderson, 1992; Baumgarten, 1982; Birch *et al.*, 1999; Rich, 1984; Robertson & Grant, 1982; Robinson & Moulton, 1985; Tabachnick *et al.*, 1991)?

•How should one deal with students as research subjects or respondents (Birch *et al.*, 1999; Murray,1996; Rich, 1984; Schiff & Ryan, 1996; Tabachnick *et al.*, 1991); should students in a class be required to help gather data for faculty research projects (Rich, 1984; Schiff & Ryan, 1996; Tabachnick *et al.*, 1991)?

• What's the proper relationship between faculty members and student research assistants: Should students be given academic credit instead of salary for being research assistants (Birch *et al.*, 1999; Tabachnick *et al.*, 1991); how do students' contributions to research get recognized; what happens when they assist in writing books from which faculty expect to generate royalties, and can faculty list themselves as co-authors when submitting student theses or dissertations to conventions or for publication (Birch *et al.*, 1999; Black & Steele, 1991; Miles, 2000; Rich, 1984; Robinson & Moulton, 1985; Schiff & Ryan, 1996; Swazey *et al.*, 1993; Tabachnick *et al.*)?

• Are there questions of ethics involved when one fails to keep up to date on recent research and scientific findings or trends in one's field (Anderson, 1992; Birch *et al.*, 1999; Boyer, 1990; Murray, 1996; Scriven, 1982; Simms, 2000; Tabachnick *et al.*, 1991)?

• What's problematic about submitting research papers to two different conventions or publications simultaneously, or submitting papers to a competition for which one is likely to be a judge or is likely to be a cohort of the judges (Anderson, 1992; Black & Steele, 1991; Miles, 2000)?

The role of the professor as citizen and steward. There is no end to discussions within the academy about the place of civility, stewardship, and citizenship in the mix of things.

> Th(e) intoxicating sense of intellectual superiority, if combined with a little contempt and a dash of resentment, can easily turn into something ugly—an arrogant conviction that one is above the rules and ethics that govern ordinary people, a conviction that because one is special, one need not live by the rules of the game.
>
> —Martin Anderson, *Impostors in the Temple* (1992), p. 126

Whereas not all the concerns about civility focus on matters of ethics, many of them do, particularly when viewed through the ethic of care and connectedness (see, among others, Gilligan, 1982 and Belenky, 1988). The issues and concerns and resolutions differ significantly when framed by a more "macho" ethics of justice

and responsibility (see, among others, Kohlberg, 1969, 1984, 1985). A shift in faculty and student demographics, particularly the lessening of power in the hands of males, has joined other factors in stimulating discussion about citizenship and stewardship. One of the most even-handed discussions of academic civility was drafted by the Hastings Institute's Daniel Callahan (1982). The casebook, *The Ethics of Teaching*, by Patricia Keith-Spiegel *et al.*, also provides a fair and provocative look at these issues, as does Stephen Payne in his and Bruce Charnov's *Ethical Dilemmas for Academic Professionals* (1987). Others, such as Martin Anderson (1992), have been far less sanguine.

The literature raises the following sorts of concerns:

• Should one ignore a colleague's unethical behavior (Birch *et al.*, 1999; Callahan, 1982; Keith-Spiegel *et al.*, 1993; Rich, 1984; Tabachnick *et al.*, 1991)?

• What about casting a vote involving a colleague's tenure or promotion based on personal reasons as opposed to the candidate's qualifications (Bradley, 2000; Callahan, 1982; Murray, 1996; Rich, 1984; Schrag, 2000-A; Scriven, 1982)?

• What moral obligations do faculty have to serve on departmental, university, and professional committees (Birch *et al.*, 1999; Callahan, 1982; Dill, 1982 A&B; Kerr, 1994; Rich, 1984; Scriven, 1982; Tabachnick *et al.*, 1991), or to teach courses that may not be their personal favorites but for which there is high student demand (Scriven, 1982)?

• How should individuals, departments, and universities handle the myriad issues of civility and honesty that arise during the job search and hiring processes? For instance, how honest should candidates be about their interest in teaching *vis a vis* research or how soon the dissertation will be completed; should candidates reveal they have been denied tenure elsewhere; should candidates go on job interviews when they know they will not accept the job; should departments advertise and bring in several candidates when they plan to hire insiders (Anderson, 1992; Birch *et al.*, 1999; Bradley, 2000; Rich, 1984; Tabachnick *et al.*, 1991)?

Other roles and conflicts. As explained by Martin Anderson in *Impostors in the Temple* (1992), Stephen Cahn in *Saints and Scamps* (1986), Charles Sykes in *ProfScam* (1988), and others, professors face an incredible number of role-based moral conflicts that do not fit neatly under any one category but cut across their teaching, research, and service functions. Some of the academy's most strident critics (Anderson and Sykes most notably among them) maintain that faculty consider themselves a special breed, elitists unaffected by ordinary considerations of loyalty to anyone besides themselves. Others define the dilemmas more in terms of faculty being morally insensitive (which is less venal than being morally weak, a condition that occurs only once one is aware of the moral dilemma) when faced with the following considerations:

• Is it OK to use university property and state or privately funded resources to enrich oneself with book royalties or consulting income (Birch *et al.*, 1999; Black & Steele, 1991; Keith-Spiegel *et al.*, 1993; Robertson & Grant, 1982; Swazey *et al.*, 1993; Tabachnick *et al.*, 1991); to take departmental equipment home for personal use (Birch *et al.*, 1999; Keith-Spiegel *et al.*, 1993; Swazey *et al.*, 1993; Tabachnick *et al.*,

1991); to sell unwanted complimentary texts to used book buyers (Birch *et al.*, 1999; Keith-Spiegel *et al.*, 1993; Tabachnick *et al.*, 1991)?

• What about accepting gratuities, gifts, or favors from individuals or organizations that might influence one's professional judgment (Miles, 2000)?

• In reporting one's activities, what's the place of puffery, and is it OK to fail to tell administrators about consulting or other outside activities that may interfere with fulfilling one's assigned duties (Callahan, 1982); indeed, what about participating in consulting or other outside jobs that cut into class preparation time (Callahan, 1982; Dill, 1982-B; Rich, 1984; Robertson & Grant, 1982; Scriven 1982)?

• And what about abusing one of the very special benefits of the professoriate—the sabbatical (Anderson, 1992; Rosovsky, 1990)?

Research questions

The preceding discussion makes possible the creation of a vast array of survey questions. Indeed, the body of research implies that many more moral dilemmas lurk just beneath the surface of those already exposed, and that there may be no end to the questions worthy of pursuit.

For our purposes, however, it seemed reasonable to draw primarily from the major categories introduced above (the professor as teacher, as researcher, and as steward), and produce a survey that would result in a base-line data set that adequately describes our discipline, mass communications. Such a data set—descriptive, not prescriptive—should provide a starting point for much more research, including normative studies and commentaries.

Meanwhile, in asking mass communications professors to comment upon/assess/respond to questions and dilemmas that have been posed to other academics, we hoped to be able to draw some tentative comparisons across disciplines.

Therefore, in capturing the opinions of mass communications faculty members on matters of ethics, we wanted to investigate the following:

A) What are the ethical issues to which mass communications faculty respond most strongly, and what issues elicit no particularly strong responses?

B) Are there any significant differences in responses to ethical dilemmas that might be explained by gender, or years of experience, or rank, or other demographic variables?

C) How does the mass communications professoriate compare with any other disciplines who have been asked identical or similar questions?

Methods

To answer those research questions, a national survey of teaching and research faculty in mass communication programs in the United States was undertaken. The study population was defined as regular members of the Association for Education in Journalism and Mass Communication, the leading national mass communication higher education organization in the country. The membership list of the organization was purchased in October 2000 and a mailing list generated. A sample of 775 (one-fourth of AEJMC's USA, Canada, and Puerto

Rico membership) was selected using random interval-sampling procedures. Respondents were not asked for any identifying information and were assured of confidentiality and anonymity in the cover letter. An alert post card was mailed one week prior to mailing of the questionnaire and cover letter.

A set of sixty-five university faculty ethical behavior scales was generated and pretested on faculty colleagues and research assistants at the institutions of the authors. In addition to original scale items, approximately half of the items duplicated or reflected survey items developed by Birch, Elliott and Trankel (1999) in their survey of the University of Montana faculty and Tabachnick, Keith-Spiegel, and Pope (1991) in their survey of American Psychological Association members. Respondents were asked to respond to a five-point Likert-type scale, with one representing "unquestionably not ethical," two representing "most likely not ethical," three representing "not sure or it all depends," four representing "most likely ethical," and five representing "unquestionably ethical." An additional eleven demographic items were part of the instrument for additional analysis using characteristics of respondents and their institutions. Respondents were given the opportunity to provide additional comments if they responded to an open-ended item about faculty ethical issues.

Findings

A total n = 373 usable responses were obtained from the survey, a response rate of 48.1 percent. Another twenty-four questionnaires were returned by retired faculty, current graduate students, or non-faculty members of the organization, but were judged unusable because the instruments were either incomplete or were blank. With all returned questionnaires included, the response rate for n = 397 was 51.2 percent. In similar studies using mail questionnaires, Birch and her colleagues (1999) reported a usable response rate of 44 percent from the 336 faculty at their home campus, the University of Montana, and Tabachnick and her colleagues (1991) reported a 48 percent usable response rate from 1,000 psychologists identified from the Membership Directory of the American Psychological Association.

More than 150 individuals penciled in additional comments next to one or more of the 65 individual scenario questions, and 82 wrote anywhere from a paragraph to more than a full page of remarks at the end of the survey form. (This level of involvement in the study is worth noting; the high salience of the issue brought out many dozens of pertinent observations, personal experiences, lamentations about having to work in such a morally challenging environment, etc.—plus more than a few concerns that the questionnaire items as presented did not always provide enough context for fully informed opinions.)

The respondents tended to be mature, averaging 10 years of full-time media experience and 13 years as faculty members. Some 60.8% were males and 39.2% females. More than 70 percent hold terminal degrees; they are spread widely across academic ranks (7.2% graduate students, 4% instructors, 26.3% assistant professors, 26.3% associate professors, 26.3% full professors, and 9.9% "other"). They average 48.5% of their work week on teaching, 24.3% on research, 14.4% on service, and 14% on administration. About 80% of their

teaching is to undergraduates. Some 63.3% of them personally teach a course or unit on ethics. (See Table 1)

What are the characteristics of "the ethical professor" ?

In titling their study of the University of Montana faculty "Black and White and Shades of Gray: A Portrait of the Ethical Professor," Mary Birch and her colleagues (1999) asserted that responses to their battery of questions revealed fundamental characteristics of the professoriate's ethics. We are somewhat reluctant to jump to that conclusion, but do believe the 65 questions we posed reveal patterns of attitudes about what is or is not acceptable behavior among faculty members.

Table 2 presents our questions, in the order they were asked, along with mean scores. (As noted, a score of "1" indicates "unquestionably not ethical," "2" indicates "most likely not ethical," "3" indicates "not sure or it all depends," "4" indicates "most likely ethical," and "5" indicates "unquestionably ethical.") Respondents were helped through the survey by being told that questions 1 through 32—roughly the first half of the battery—related to issues of dealing with teaching students, questions 33 through 42 dealt specifically with research issues, and questions 43 through 65 covered a variety of miscellaneous subjects, including job hunting, collegial relationships, potential conflicts of interest, and fudging.

Table 3 presents the same data in ascending order of perceived ethicality.

It becomes obvious, if one can draw conclusions from mean scores only, that quite a few of these items appeared to be "no-brainers," activities that nearly everyone disapproved of.

Consider the first ten items: The AEJMC faculty has made it clear that it is definitely not OK to become sexually involved with one's students; to lower course demands for student athletes; to ignore evidence of cheating; to fail to thoroughly read theses, dissertations, or comprehensive exams yet pretend you have done so; to fail to acknowledge significant student participation in research or publication; to give easy grades to avoid negative evaluations from students; to require students—without their permission—to serve as research subjects or respondents; to relax course rules in order to improve one's student evaluations; to lower course demands for minority students; or to allow a student's likeability to influence one's grading.

We find it interesting that eight of these "top 10 no-no's" emerge from the first half of the questionnaire, the entirety of which dealt with the teaching function, and the other two related to manipulation of students as research subjects or co-authors. Nothing here about faculty relations, about service, about one's own research productivity. (It could be, of course, that respondents were so irritated about the litany of perceived abuses of the teacher-student role that they lightened up when it came to the other topics.)

At the other extreme, the ten situations AEJMC faculty found least problematic, starting with the highest scoring one, suggest that it's not so bad to relax course rules (e.g., late papers, attendance) due to extenuating circumstances; to require students to buy the faculty member's own textbooks providing the books have been peer reviewed and used elsewhere, even if the faculty member will

receive royalties; to express political views in class; to use school resources to create a "popular" trade book; to hug students; to make copies of copyrighted articles for all the students in a class (note: this item elicited commentaries from 23 different respondents, obviously torn over the legal/ethical/pragmatic dilemma); to use school equipment and graduate assistants as resources for writing a textbook from which faculty hope to make royalties; to offer students extra credit to serve as research subjects or respondents; to require students in a class to help gather data for a faculty research project; or to fail to reveal that they are looking for a new job because they were denied tenure elsewhere.

Unlike the items at the other end of the scale, the ten that were least problematic tended to relate to faculty self-interest. In all fairness, however, we should point out that only two items in the entire survey received mean scores of "3" or above, which means that none of the items were generally perceived to be morally permissible.

While looking at mean scores is an intriguing (and self-checking) exercise, more can be learned by considering which faculty members provided which answers, and how those answers compared with answers given by faculty in other fields.

What are the relevant demographic variables?

Preliminary analysis of the data reveals several statistically significant differences among various demographic groups. Using Pearson Chi-square and a significance level of .05 or less, we find the following five areas revealing:

Gender: Women are more likely than men to be undecided about expressing their political views in class (p= .039); are less likely than men to approve of requiring students to buy textbooks the professors have authored and from which they expect to get royalties (p= .041) and even more uncomfortable requiring students to buy self-published textbooks that are not being used at other universities (p= .007); are vastly more concerned than men about belittling students' comments in class (p= .002); are more undecided than men about the ethics of sharing with colleagues confidential disclosures told to them by students (p= .022); are more concerned than men about criticizing (in class) another faculty member in the department (.030); are more tolerant of giving passing grades to students who could not pass tests but who put forth considerable effort to meet the course standards (p= .013); are less willing to offer students extra credit to serve as research subjects or respondents (p= .040); and are nowhere near as opposed as males are to advertising and bringing in several candidates for a position when the department plans to hire an insider (p= .005).

Women were a bit more likely than men to ignore a colleague's unethical behavior, but the difference was not statistically significant (p= .052).

Years of professional experience: Dividing our respondents into two groups, one with up to seven years of professional experience and the other with more than seven years, we find that the more experienced group is less comfortable expressing religious views in class (p= .048); is far less accepting of the idea of becoming sexually involved with a student after the course is completed and grades filed (p= .001); finds it more unethical to fail to provide negative comments

on a paper or exam when such comments reflect the professor's honest assessment of the student (p= .004); finds it more unethical to grade on a strict curve regardless of the class performance level (p= .006); is less willing to teach a class without adequate preparation for the day (p= .042); finds it more unethical to require students to serve as research subjects or respondents (p= .044); is far less tolerant of offering students extra credit to serve as research subjects or respondents (p= .003); thinks it is more unethical to submit papers to a division and also serve as a judge in that division's paper competition (p= .050); is more opposed to taking credit as a co-author when a student submits a thesis or dissertation to a convention or for publication (p= .029); thinks it is unethical to use school equipment and graduate assistants as resources for writing a textbook from which royalties will be received (p= .026); and is much less tolerant of taking departmental equipment home for personal use (p= .004).

Academic rank: Looking at mass communications faculty along a different continuum, academic rank, we considered responses given by assistant, associate, and full professors (note: the overall sampling was evenly divided among these three groups, with 26.3% in each; for the sake of this breakout we omitted graduate students, instructors, and "other"). Crosstabs reveal that senior faculty are more opposed to expressing political views in class (p= .015); find it more unethical to give passing grades to students who could not pass tests, but who put forth considerable effort to meet course standards (p= .017); are far less willing to give academic credit rather than salary for student assistants (p= .006); think it is more unethical to teach a class without adequate preparation for the day (p= .016); are less willing to avoid negatives when writing letters of reference for questionable students or colleagues (p= .009); and find it unethical to go for a job interview when they know they will not accept the job (p= .043).

Assistant professors and full professors are much more concerned than associate professors about listing themselves as co-authors when one of their students submits a thesis or dissertation to a convention or for publication (p= .033).

Assistant professors were slightly more opposed than their senior colleagues to requiring students to buy self-published textbooks that are not being used at other universities, but the differences were not statistically significant (p= .056). Likewise, full professors were the most opposed to offering students extra credit to serve as research subjects or respondents, but they did not differ significantly from their colleagues (p= .056).

Years of teaching experience: When comparing faculty members with fewer than 10 years teaching experience against those with more than 10 years, four items were statistically significant. Those with more experience were more opposed to giving passing grades to students who could not pass tests, but who put forth considerable effort to meet course requirements (p= .040); objected more strongly to offering students extra credit to serve as research subjects or respondents (p= .037); found it much more unethical to avoid negatives in writing letters of reference for questionable students or colleagues (p= .007); and objected more strongly to the practice of participating in consulting or other outside jobs that cut into class preparation time (p= .026).

Whether they teach ethics: Given that 63.3% of our respondents said they personally taught a course or unit on ethics and the other 36.7% said they did not, it seemed reasonable to see if the two groups differed in their attitudes toward ethics issues. On half a dozen items there were significant differences of opinion, and two others just missed being statistically significant.

In comparing the two groups, ethics teachers imply they are far more likely than their colleagues to challenge remarks by students that are racist, sexist, or otherwise derogatory to particular groups of people (p= .042); are more willing to give passing grades to students who could not pass tests, but who put forth considerable effort to meet course standards (p= .025); think it more wrong to participate in consulting or other outside jobs that cut into class preparation time (p= .028); are much more opposed to exaggerating their interest in research when applying for a job (p= .015); or, for that matter, to exaggerating their interest in teaching when applying for a job (p= .015); and find it more problematic to mislead interviews about how soon the thesis or dissertation will be finished (p= .046).

On two other items ethics professors stood apart from their colleagues, but the differences were not statistically significant. Ethics teachers said that it is unethical to fail to keep up to date on recent research and scientific findings or trends in their field of academic/professional experience (p= .052), and that it is wrong to give priority to their own research interests at the expense of students' educational experience (p= .051).

How does mass comm faculty compare with others?

Thirty-one of the 65 questions we asked of AEJMC faculty were included in the University of Montana faculty survey conducted in 1991 by Mary Birch and her colleagues. (Birch *et al.* did a mail survey of 147 professors on a campus noted for its "Ethics Across the Curriculum" program. All students are required to take ethics courses in their majors; some four dozen ethics courses are offered.) Seventeen of the present study's questions also appeared in the 1991 nation-wide survey of 482 psychologists conducted by Barbara Tabachnick and her colleagues. (Most of those 17 also appeared in the Birch *et al.* Montana study.) In most cases, the questions that appeared in both the AEJMC and Montana studies were worded similarly; some of the subtle changes in wording between the AEJMC and Tabachnick *et al.* study are due to differences in the teaching and research activities of the two disciplines. Despite those differences, it is still possible to draw some tentative cross-disciplinary comparisons.

All three studies asked faculty to evaluate specific behaviors along a five-point "unethical-to-ethical" scale. The present study and the Montana study were basically interested in faculty attitudes toward given behaviors; the psychologists had also been asked to indicate the frequency with which they had personally engaged in those behaviors. Thus direct question-to-question comparisons are tentative. Nevertheless, some trends can be noted.

Table 4 presents the 31 items from AEJMC data, in ascending order of perceived ethicality, in comparison with the Montana study. The table shows that in the majority of cases, there is no meaningful difference between the two sets of

responses. In only 13 cases, the respondents differed by at least .25 (out of 5.0 possible) points—a rather small spread, to be sure. Indeed, in only two instances was there a point spread of more than .50. They were in the responses to questions about faculty giving priority to their own research interests at the expense of students' educational experiences (Montana, at 2.66, found it less problematic than AEJMC members, at 1.92—a .74 spread), and about faculty becoming sexually involved with a student once a course is completed and grades filed (Montana, at 2.66, was a bit more sanguine than AEJMC faculty, at 2.09—a .57 spread).

Table 5 compares 17 items from AEJMC data, in ascending order of perceived ethicality, with the American Psychological Association (Tabachnick *et al.*, 1991) study. In this table the comparison is made between the percentage of respondents who answered "1" or "2" to each question, indicating they thought the situation described was either "unquestionably not ethical" (same phrasing in both studies) or "most likely not ethical" (the AEJMC wording) or "under rare circumstances" (the Tabachnick wording).

Several patterns are revealed by the data in Table 5, tempting us to suggest there are some meaningful differences between those who teach students to observe and write about the world at large (AEJMC) and those who teach students to observe and counsel individuals (APA). Psychologists, it seems, have little problem with requiring students to be guinea pigs, whereas the practice bothers mass comm professors. Psychologists are far more offended than are mass comm professors by the practice of taking co-authorship credit for presentation or publication of student work, but far less concerned about using grad students and school equipment to write textbooks from which they expect to get royalties. AEJMC members are much more likely to frown on becoming sexually involved with former students than are psychologists, but are less concerned about hugging their students than are the psychologists. Finally, journalism and mass communications faculty find it much more problematic to sell unwanted complimentary textbooks to used book buyers than do psychologists.

Conclusions

As explained earlier, this research project set out to develop a base-line data set that could stimulate additional research. The work is descriptive, not prescriptive, however tempting it may be to draw normative conclusions about AEJMC faculty ethics.

Recognizing that we may be accused of outrunning our headlights, we nevertheless think we have noticed that:

- Mass communications faculty, to a far greater extent than other faculties, are highly sensitive to moral transgressions against students. They recognize the power imbalance inherent in the faculty-student relationship, and advise one another to tread lightly.
- When compared to faculty from the University of Montana and the national sampling of psychologists, AEJMC faculty seem to be a "kinder and gentler" breed on all sorts of criteria. Not only are more sensitive toward student rights, they are less inclined to "beat the system."

• On the other hand, mass communications faculty seem somewhat less concerned than other faculties about issues arising in the conduct and presentation of research and in maintaining collegial relationships.

• Female AEJMC members seem to reflect the "ethic of care" to a greater extent than do their male colleagues.

• Faculty who bring many years of professional experience to the academy seem to be somewhat more forthright than their less experienced colleagues regarding matters that might come back to haunt them, but at the same time are a bit softer around the edges and more flexible in dealing with others.

• Likewise, senior faculty members (higher rank and more years at the academy) also seem to have learned some ethics lessons on the job, and seem to know when to stick to their guns and when to cut a little slack.

• Not surprisingly, the professors who teach ethics courses or units seem to have a high level of sensitivity to potentially harmful behaviors, seem to be more tolerant of individual differences, and are deontologists when tempted to fudge.

This study doesn't pretend to cover all the territory of academic ethics. It doesn't, for instance, delve very far into broader, more systemic questions such as institutional or administrative (or even state or national) moral lapses and other dilemmas that are not of the professors' making and which individual professors may feel relatively powerless to resolve. These matters are best left for further research.

Table 1
Demographics of respondents.

- How many years of full-time experience do you have as a media professional?
  mean=10.125

- How many years of full-time experience do you have as a faculty member?
  mean=13.215

- What is your terminal degree?

Bachelors	3.0%
Master's	21.8
PhD/EdD	72.3
JD	1.3
Other	1.6

- What is your academic rank or status?

Graduate student	7.2%
Instructor	4.0
Assistant professor	26.3
Associate professor	26.3
Professor	26.3
Other	9.9

- What is your gender?

Male	60.8%
Female	39.2

- About what percentage of your work time do you devote to:

Teaching	48.5%
Research	24.3
Service	14.4
Administration	14.0
	(total =101.2%)

- About what percentage of your teaching time do you devote to working with:

Undergraduate students	79.5%
Graduate students	18.9
	(total =98.4%)

- Do you personally teach a course or unit on ethics at your school?

No	63.3%
Yes	36.7

Table 2

Survey items with means reported. **Instructions: Please use a five-point scale to indicate how ethical or unethical you consider the faculty behavior described in each of the following questions. Enter the numbers, 1 through 5, in the space to the left of each question. 1= Unquestionably not ethical; 2= Most likely not ethical; 3=Not sure or it all depends; 4=most likely ethical; 5=Unquestionably ethical. If you want to comment about any of the questions, please feel free to do so.**

Section II: Issues related to teaching and dealing with students. How ethical or unethical do you consider the faculty behavior described in each of the following?

Mean	Item	
2.99	1	Expressing your political views in class.
1.46	2	Allowing a student's likeability to influence your grading.
1.07	3	Becoming sexually involved with a student enrolled in one of your courses.
3.20	4	Requiring students to buy textbooks you wrote that have been peer reviewed and used at other universities and from which you will receive royalties.
1.33	5	Giving easy grades to avoid negative evaluations from students.
1.29	6	Failing to thoroughly read theses, dissertations, or comprehensive exams, yet pretending at meetings you have.
1.18	7	Lowering course demands for student athletes.
2.55	8	Expressing your religious views in class.
2.09	9	Becoming sexually involved with a student only after the course is completed and the grades filed.
1.59	10	Belittling students' comments in class.
2.30	11	Requiring students to buy textbooks you wrote that are not being used at other universities but from which you will receive royalties.
1.39	12	Lowering course demands for minority students.
1.25	13	Ignoring evidence of cheating.
1.37	14	Relaxing rules (e.g., late papers, attendance) to improve course evaluations.
2.77	15	Hugging students.
1.76	16	Failing to admit a mistake made in a previous day's lecture.
2.33	17	In class, criticizing another specialty or field of study in the department.
1.61	18	Setting standards for student behavior (e.g.., being on time, being prepared, being civil) yet failing to conform to those standards yourself.
1.74	19	Sharing with colleagues confidential disclosures told to you by a student.
3.80	20	Relaxing rules (e.g., late papers, attendance) due to extenuating circumstances.
2.17	21	Failing to provide negative comments on a paper or exam when these comments reflect your honest assessment of the student's performance.
1.86	22	Failing to challenge remarks by students or colleagues that are racist, sexist, or otherwise derogatory to particular groups of people.
2.00	23	In lectures, failing to present views that differ from your own.
1.68	24	Failing to give students a syllabus or course outline that specifies course rules and requirements.
1.58	25	In class, criticizing another faculty member in the department.
2.04	26	Failing to maintain regularly scheduled office hours.
2.25	27	Differing significantly from materials or content listed in course syllabus or college catalog.
2.36	28	Giving passing grades to students who could not pass tests, but who put forth considerable effort to meet course standards.
2.40	29	Grading on a strict curve regardless of class performance level.
2.46	30	Giving academic credit instead of salary for student assistants.
2.26	31	Teaching a class without adequate preparation for the day.
2.16	32	Returning papers several weeks after a test or assignment.

Section III: Issues related to research. How ethical or unethical do you consider the faculty behavior described in each of the following?

1.36	33	Without their permission, requiring students to serve as research subjects or respondents?
2.75	34	Offering students extra credit to serve as research subjects or respondents?
1.87	35	Submitting papers to a division and also serve as a judge in that division's paper competition?
2.35	36	Submitting the same paper to two different conventions?
1.84	37	Listing themselves as co-author when a student submits a thesis or dissertation to a convention or for publication?
1.31	38	Failing to acknowledge significant student participation in research or publication?
2.61	39	Requiring students in a class to help gather the data for a faculty research project?
2.76	40	Using school equipment and graduate assistants as resources for writing a textbook from which they expect to get royalties?
2.27	41	Failing to keep up to date on recent research and scientific findings or trends in their field of academic/professional expertise?
1.92	42	Giving priority to their own research interests over the students' educational experience?

Section IV: Miscellaneous issues. How ethical or unethical do you consider the faculty behavior described in each of the following?

2.91	43	Using school resources to create a "popular" trade book?
2.31	44	Selling unwanted complimentary texts to used book buyers?
1.56	45	Accepting a gratuity, gift, or favor from area media companies that might influence professional judgment?
1.88	46	Ignoring a colleague's unethical behavior?
2.32	47	Avoiding negatives in writing a letter of reference for a questionable student or colleague?
2.23	48	Avoiding departmental/university committees and associated responsibilities?
2.53	49	Avoiding unpaid professional committees and associated responsibilities?
2.17	50	Participating in consulting or other outside jobs that cut into class preparation time?
1.92	51	Exaggerating their interest in research when applying for a job?
1.83	52	Exaggerating their interest in teaching when applying for a job?
2.58	53	Failing to reveal that they are looking for a new job because they were denied tenure elsewhere?
1.79	54	When applying for a job, misleading interviewers about how soon the thesis or dissertation will be finished?
2.04	55	Going for a job interview when they know they will not accept the job?
1.61	56	Advertising and bringing in several candidates for a position when the department plans to hire an insider?
1.92	57	Using their school's telephone, mail, and equipment for consulting or a second job?
2.18	58	Taking departmental equipment home for personal use?
1.58	59	Casting a vote involving a colleague's tenure or promotion based on personal reasons as opposed to the candidate's qualifications?
1.76	60	Exaggerating their accomplishments in an annual report submitted to the department chair?
1.74	61	Failing to tell the department chair about activities, such as consulting, that may interfere with assigned duties?
2.76	62	Making copies of copyrighted articles for all the students in a class?
2.12	63	Using a sabbatical as an extended vacation?
2.27	64	Using a sabbatical to work full-time at another job?
2.35	65	Insisting upon teaching favorite classes rather than classes students want or need?

Table 3

Survey items rank ordered by means. 1= Unquestionably not ethical; 2= Most likely not ethical; 3=Not sure or it all depends; 4=most likely ethical; 5=Unquestionably ethical

Mean	Item#	
1.07	3	Becoming sexually involved with a student enrolled in one of your courses.
1.18	7	Lowering course demands for student athletes.
1.25	13	Ignoring evidence of cheating.
1.29	6	Failing to thoroughly read theses, dissertations, or comprehensive exams, yet pretending at meetings you have.
1.31	38	Failing to acknowledge significant student participation in research or publication.
1.33	5	Giving easy grades to avoid negative evaluations from students.
1.36	33	Without their permission, requiring students to serve as research subjects or respondents.
1.37	14	Relaxing rules (e.g., late papers, attendance) to improve course evaluations.
1.39	12	Lowering course demands for minority students.
1.46	2	Allowing a student's likeability to influence your grading.
1.56	45	Accepting a gratuity, gift, or favor from area media companies that might influence professional judgment.
1.58	25	In class, criticizing another faculty member in the department.
1.58	59	Casting a vote involving a colleague's tenure or promotion based on personal reasons as opposed to the candidate's qualifications.
1.59	10	Belittling students' comments in class.
1.61	18	Setting standards for student behavior (e.g.., being on time, being prepared, being civil) yet failing to conform to those standards yourself.
1.61	56	Advertising and bringing in several candidates for a position when the department plans to hire an insider.
1.68	24	Failing to give students a syllabus or course outline that specifies course rules and requirements.
1.74	19	Sharing with colleagues confidential disclosures told to you by a student.
1.74	61	Failing to tell the department chair about activities, such as consulting, that may interfere with assigned duties.
1.76	16	Failing to admit a mistake made in a previous day's lecture.
1.76	60	Exaggerating their accomplishments in an annual report submitted to the department chair.
1.79	54	When applying for a job, misleading interviewers about how soon the thesis or dissertation will be finished.
1.83	52	Exaggerating their interest in teaching when applying for a job.
1.84	37	Listing themselves as co-author when a student submits a thesis or dissertation to a convention or for publication.
1.86	22	Failing to challenge remarks by students or colleagues that are racist, sexist, or otherwise derogatory to particular groups of people.
1.87	35	Submitting papers to a division and also serve as a judge in that division's paper competition.
1.88	46	Ignoring a colleague's unethical behavior.
1.92	42	Giving priority to their own research interests over the students' educational experience?
1.92	51	Exaggerating their interest in research when applying for a job.
1.92	57	Using their school's telephone, mail, and equipment for consulting or a second job.
2.00	23	In lectures, failing to present views that differ from your own.
2.04	26	Failing to maintain regularly scheduled office hours.
2.04	55	Going for a job interview when they know they will not accept the job.
2.09	9	Becoming sexually involved with a student only after the course is completed and the grades filed.

2.12	63	Using a sabbatical as an extended vacation.
2.16	32	Returning papers several weeks after a test or assignment.
2.17	21	Failing to provide negative comments on a paper or exam when these comments reflect your honest assessment of the student's performance.
2.17	50	Participating in consulting or other outside jobs that cut into class preparation time.
2.18	58	Taking departmental equipment home for personal use.
2.23	48	Avoiding departmental/university committees and associated responsibilities.
2.25	27	Differing significantly from materials or content listed in course syllabus or college catalog.
2.26	31	Teaching a class without adequate preparation for the day.
2.27	41	Failing to keep up to date on recent research and scientific findings or trends in their field of academic/professional expertise.
2.27	64	Using a sabbatical to work full-time at another job.
2.30	11	Requiring students to buy textbooks you wrote that are not being used at other universities but from which you will receive royalties.
2.31	44	Selling unwanted complimentary texts to used book buyers.
2.32	47	Avoiding negatives in writing a letter of reference for a questionable student or colleague.
2.33	17	In class, criticizing another specialty or field of study in the department.
2.35	36	Submitting the same paper to two different conventions.
2.35	65	Insisting upon teaching favorite classes rather than classes students want or need.
2.36	28	Giving passing grades to students who could not pass tests, but who put forth considerable effort to meet course standards.
2.40	29	Grading on a strict curve regardless of class performance level.
2.46	30	Giving academic credit instead of salary for student assistants.
2.53	49	Avoiding unpaid professional committees and associated responsibilities.
2.55	8	Expressing your religious views in class.
2.58	53	Failing to reveal that they are looking for a new job because they were denied tenure elsewhere.
2.61	39	Requiring students in a class to help gather the data for a faculty research project.
2.75	34	Offering students extra credit to serve as research subjects or respondents.
2.76	40	Using school equipment and graduate assistants as resources for writing a textbook from which they expect to get royalties.
2.76	62	Making copies of copyrighted articles for all the students in a class.
2.77	15	Hugging students.
2.91	43	Using school resources to create a "popular" trade book.
2.99	1	Expressing your political views in class.
3.20	4	Requiring students to buy textbooks you wrote that have been peer reviewed and used at other universities and from which you will receive royalties.
3.80	20	Relaxing rules (e.g., late papers, attendance) due to extenuating circumstances.

Table 4
AEJMC faculty responses compared with responses from the University of Montana study (Birch *et al.*, 1999). AEJMC n=373; Montana n=147. Parentheses indicate items that were worded slightly differently in the two studies. Bold face indicates items on which there was greater than a .25 (out of 5.0 possible) differential.

AEJMC Mean	Montana Mean	
1.07	1.14	Becoming sexually involved with a student enrolled in one of your courses.
1.18	1.37	Lowering course demands for student athletes.
1.25	1.21	Ignoring evidence of cheating.
1.31	1.24	Failing to acknowledge significant student participation in research or publication.
1.33	(1.27)	Giving easy grades to avoid negative evaluations from students.
1.37	**(1.66)**	**Relaxing rules (e.g., late papers, attendance) to improve course evaluations.**
1.39	**1.65**	**Lowering course demands for minority students.**
1.46	1.61	Allowing a student's likeability to influence your grading.
1.59	1.48	Belittling students' comments in class.
1.68	**(1.93)**	**Failing to give students a syllabus or course outline that specifies course rules and requirements.**
1.74	1.54	Sharing with colleagues confidential disclosures told to you by a student.
1.84	1.88	Listing themselves as co-author when a student submits a thesis or dissertation to a convention or for publication.
1.86	**2.16**	**Failing to challenge remarks by students or colleagues that are racist, sexist, or otherwise derogatory to particular groups of people.**
1.92	**2.66**	**Giving priority to their own research interests over the students' educational experience?**
2.00	2.15	In lectures, failing to present views that differ from your own.
2.04	2.27	Failing to maintain regularly scheduled office hours.
2.09	**2.66**	**Becoming sexually involved with a student only after the course is completed and the grades filed.**
2.17	**1.85**	**Failing to provide negative comments on a paper or exam when these comments reflect your honest assessment of the student's performance.**
2.23	**2.55**	**Avoiding departmental/university committees and associated responsibilities.**
2.25	2.40	Differing significantly from materials or content listed in course syllabus or college catalog.
2.26	2.46	Teaching a class without adequate preparation for the day.
2.27	**1.89**	**Using a sabbatical to work full-time at another job.**
2.31	**2.70**	**Selling unwanted complimentary texts to used book buyers.**
2.32	(2.35)	Avoiding negatives in writing a letter of reference for a questionable student or colleague.
2.36	2.31	Giving passing grades to students who could not pass tests, but who put forth considerable effort to meet course standards.
2.40	**2.70**	**Grading on a strict curve regardless of class performance level.**
2.46	**2.81**	**Giving academic credit instead of salary for student assistants.**
2.77	**3.14**	**Hugging students.**
2.91	2.69	Using school resources to create a "popular" trade book.

Table 5.
AEJMC faculty responses compared with responses from the American Psychological Association study (Tabachnick *et al.*, 1991). AEJMC n=373; Psychologists n=482. Seventeen items from AEJMC data appear in ascending order of perceived ethicality. Parentheses indicate items that were worded slightly differently in the two studies. Comparison is made between the percentage of respondents who answered "1" or "2" to each question, indicating they thought the situation described was either "unquestionably not ethical" (same phrasing used in both studies) or "most likely not ethical" (the AEJMC wording) or "under rare circumstances" (the Tabachnick wording).

AEJMC	Tabachnick	
98.7	(90.7)	Becoming sexually involved with a student enrolled in one of your courses.
95.7	(89.4)	Ignoring evidence of cheating.
94.4	(84.1)	Giving easy grades to avoid negative evaluations from students.
91.0	(34.9)	Without their permission, requiring students to serve as research subjects or respondents.
90.9	86.7	Allowing a student's likeability to influence your grading.
85.3	(89.6)	Belittling students' comments in class.
76.7	(88.2)	Sharing with colleagues confidential disclosures told to you by a student.
73.2	(93.2)	Listing themselves as co-author when a student submits a thesis or dissertation to a convention or for publication.
67.0	47.0	Becoming sexually involved with a student only after the course is completed and the grades filed.
61.6	(49.8)	Teaching a class without adequate preparation for the day.
60.3	(44.2)	Selling unwanted complimentary texts to used book buyers.
59.3	(69.3)	Avoiding negatives in writing a letter of reference for a questionable student or colleague.
51.4	55.8	Grading on a strict curve regardless of class performance level.
44.9	36.7	Giving academic credit instead of salary for student assistants.
35.6	(17.2)	Using school equipment and graduate assistants as resources for writing a textbook from which they expect to get royalties.
32.1	(28.9)	Using school resources to create a "popular" trade book.
31.1	(46.9)	Hugging students.

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WHAT WOULD THE EDITOR DO? A THREE-YEAR STUDY OF STUDENT-JOURNALISTS AND THE NAMING OF RAPE VICTIMS IN THE PRESS

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Presented to the Media Ethics Division
Association for Education in Journalism and Mass Communication
Conference: August 5, 2001
Washington, D.C.

WHAT WOULD THE EDITOR DO? A THREE-YEAR STUDY OF STUDENT-JOURNALISTS AND THE NAMING OF RAPE VICTIMS IN THE PRESS

> While it is legal for us to identify survivors, we should really learn from cases like the William Kennedy Smith debacle. I once saw a television talk show on the subject. One of the guests was a woman who was victimized and then had her name mentioned in a newspaper story. She said that having her name in the paper was like being raped a second time. Nobody even called to ask her.
>
> -- *Female journalism student, age 20*

Newsroom Policies and Related Studies

According to recent surveys, 80 percent of Americans say the news media "often invade people's privacy," 52 percent say they think the news media abuse the First Amendment, and 82 percent think reporters are insensitive to people's pain.[1] In the case of whether or not those in the press should name or not name the survivors of rape, at least one media scholar has found that:

> News coverage of sex crime victims has become as much of an ethical as a legal issue, and news media are not sure how to handle the options before them.[2]

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[1] See Judith Valente, "Do You Believe What Newspeople Tell You?" *Parade Magazine*, 2 March 1997, 4-6. The survey of 1,500 adults from around the United States was conducted in January 1997 by the Roper Center in Storrs, Conn. See also AP's Mike Feinsilber, "Many in Poll Would Curb Journalists," *Richmond Times-Dispatch*, 14 December 1996, A2. This poll, of 3,004 adults, was conducted by Louis Harris and Associates between November 8-30, 1996.

[2] As quoted in Jay Black's "Rethinking the Naming of Sex Crime Victims," Newspaper Coverage of Rape: Dilemmas on Deadline (Oklahoma City: Ethics and Excellence in Journalism Foundation, 1996), 14. Black is the Poynter-Jamison Chair in Media Studies and Press Policy at the University of South Florida and founding co-editor of the Journal of Mass Media Ethics.

Traditionally, editors of U.S. newspapers have withheld the identification of rape victims, unless the victim was well-known (as in the 1991 case of William Kennedy Smith and Patricia Bowman)[3] or unless the victim was murdered (as in the case of Martin Cohn and his daughter Cynthia Cohn).[4] As media scholars Maggie Thomas, Tommy Thomason, Paul LaRocque, Samuel Winch, Frank Thayer, Steve Pasternack, and Carol Oukrop point out, most editors do not publish the names of rape victims/survivors. In a 1982 survey of editors, Oukrop reported that 68 percent of the editors said names of rape victims should not be published.[5] In a 1990 survey of editors, Winch reported that 43.6 percent of the editors said that rape victims should be named only in exceptional cases (ie: celebrity, well-known in community, murdered, etc.).[6] In a 1992 study of 90 daily newspapers with circulations of more than 50,000, Thayer and Pasternack reported that only one newspaper in their study routinely published the names of rape and sexual assault victims.[7] And in a 1994 survey of more than 500 newspaper editors across the

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[3] Here it was the Kennedy name that made the headlines. Bowman is the Florida woman who accused William Kennedy Smith, Senator Edward Kennedy's nephew, of rape in April 1991. Bowman's identity was first revealed by *The Globe*, a nationally circulated tabloid based in Boca Raton, Florida. See Fox Butterfield and Mary B.W. Tabor, "Woman in Florida Rape Inquiry Fought Adversity and Sought Acceptance," *The New York Times*, 17 April 1991, 17A.

[4] In Cox Broadcasting Corp. v. Cohn, 420 U.S. 469, 95 S.Ct. 1029 (1975), the Supreme Court refused to allow tort recovery for invasion of privacy arising from the broadcast of a rape victim's name take from a court record. Cynthia Cohn was the rape and murder victim. Her father, Martin Cohn, later filed suit against the press for invasion of privacy.

[5] Carol E. Oukrop, "Views of Newspaper Gatekeepers on Rape and Rape Coverage," (Manhattan, Kansas: Kansas State University, October 1982), photocopy, 21.

[6] Samuel P. Winch, "On Naming Rape Victims: How Editors Stand on the Issue." Paper presented at the AEJMC national convention, Boston, Mass., 1991.

[7] Frank Thayer and Steve Pasternack, "Policies on Identification of People in Crime Stories," Newspaper Research Journal, vol. 15, no. 2 (Spring 1994), 59. Thayer and Pasternack found that in cases where the victim "goes public by choice," 75.6 percent of the newspaper editors in the study said they would then publish the name of the victim. They also reported that "about one in four dailies said they never print such names, no matter what."

United States, Thomason, LaRocque and Thomas reported that in 14 different rape coverage scenarios, editors were still reluctant to print the names of rape victims:

> In the rape situations presented, more than half of the editors said they would either definitely or probably use the victim's name in only three cases – if the victim were also murdered, if the victim asked to be identified, or if the victim "went public" in some way. In 10 of the 14 cases, less than 10 percent of the editors said they would definitely print the victim's name.[8]

While a few newspaper editors do choose to publish the names of rape victims/survivors, this is not the standard practice, according to these and other studies of newspaper editors and their newsroom policies on rape victim identification.[9]

In her 1992 book "Virgin or Vamp: How the Press Covers Sex Crimes," Columbia University's Helen Benedict concludes that those in the press may better handle the options before them in the rape victim identification debate. While Benedict considers press freedom sacrosanct to democracy, she argues that "rape is not the same as being attacked by a mugger." Among her suggestions for journalists:

- Avoid giving the public information that could further endanger the victim, such as her name, address or whereabouts.
- Learn the rape myths and narratives that trap editors and reporters into unfair coverage.

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[8] As quoted in Maggie Thomas and Tommy Thomason, "Newspapers, TV Rarely Name Victims of Sex Crimes, Study Shows," Newspaper Coverage of Rape: Dilemmas on Deadline (Oklahoma City: Ethics and Excellence in Journalism Foundation, 1996), 45. See also Tommy Thomason, Paul LaRocque and Maggie Thomas, "Editors Still Reluctant to Name Rape Victims," Newspaper Research Journal, vol. 16, no. 3 (Summer 1995), 42-51; and Dick Haws, "Rape Victims: Papers Shouldn't Name Us," American Journalism Review (September 1996), 12-13.

[9] Joe Goodman, "We Name Names: Here Is Why We Do It," ASNE Bulletin, (July/August 1991), 19. See also Maggie Thomas, Tommy Thomason and Paul LaRocque, "Newspaper Coverage of the Smith/Bowman Rape: To Name or Not to Name the Victim?" Southwestern Mass Communication Journal, vol. 10, no. 1 (1994); Dick Haws, "A Qualitative Study: *The New York Times*, Patricia Bowman and William Kennedy Smith," Newspaper Research Journal, vol. 14, nos. 3 and 4 (Summer-Fall 1993), 137-145; and James Burgess Lake, "Of Crime and Consequences: Should Newspapers Report Rape Complainants' Names?" Journal of Mass Media Ethics, vol. 6, no. 2 (1991), 106-118.

- Reconsider whether descriptions of victims and their behavior belong in crime stories at all.
- Choose accuracy over speed.
- Diversify the newsroom. As long as the press is predominantly white, male and uniformed about rape, sex crimes will not be covered fairly.
- Stop being afraid of feminism.[10]

While some journalism and feminist scholars have criticized Benedict's work for condescending to reporters (the intended audience of her book) and for failing to include the theoretical writing of women of color (bell hooks and Angela Davis, among others),[11] Benedict does offer direction for reform and for recasting the future of the rape victim identification debate.

Journalism students, those who will be making these decisions in the future, offer even more opinions, newsroom policy suggestions (and optimism) on whether rape/sexual assault victims should or should not be identified by the press. The following work, a three-year study of 140 students in the Department of Journalism at California State University-Northridge, was framed by the basic research and course discussion question: **"Should rape/sexual assault victims be named in the press?"** The purpose of the study was to examine how these future journalists might write/rewrite newsroom policy on naming names. In the study each student was asked to respond, in writing, to this hypothetical situation:

> **You are the editor of a daily newspaper. What do you think should be your publication's policy on naming or identifying rape/sexual assault victims? Please state your newspaper's policy,**

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[10] See Benedict, "Virgin or Vamp: How the Press Covers Sex Crimes," (New York: Oxford University Press, 1992), 259-266. See also "A Resource Guide: News Coverage of Sexual Assault," (Des Moines: Iowa Coalition Against Sexual Assault, 1987), 6-7, 12.

[11] See Jane Caputi's review "All the News That's Unfit to Print," The Women's Review of Books, vol. 10, no. 7 (April 1993), 9; Fred Pelka's review "Rape: It Sells Papers," On the Issues, vol. II, no. 4 (Fall 1993), 46-47; and Cynthia Rawitch's review in Journalism Quarterly, vol. 70, no. 3 (Autumn 1993), 720.

explain how you came to your conclusions, and offer any suggestions you think might be helpful to your news staff.

The findings from this study are noted below.

The discussion question and hypothetical policy-writing exercise were first suggested by colleagues following a panel session at the 21st Annual AEJMC Midwest Journalism History Conference at the University of Missouri-Columbia in March 1994. Development into the reporting courses' syllabi was influenced by several studies, most notably Oukrop's work on "Views of Newspaper Gatekeepers on Rape and Rape Coverage,"[12] Thomason and LaRocque's projects on identifying crime victims,[13] and Carolyn Stewart Dyer's work regarding sexual assault coverage,[14] as well as by discussions with Christie Munson, agency director of Iowa City, Iowa's Rape Victim Advocacy Program, and RVAP board members and volunteers.[15]

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California State University-Northridge Study, 1997-1999

Method

The Newswriting and Reporting classes used in the California State University-Northridge study are designed as the introductory reporting course for the Department of

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[12] Oukrop, (Manhattan, Kansas: Kansas State University, October 1982), photocopy.

[13] See Thomason and LaRocque's "Newspaper Identification of Crime Victims: Editors Change Address Policies." Paper presented at the AEJMC national convention, Minneapolis, Minn., 1990. See also Thomas, Thomason and LaRocque, "Newspaper Coverage of the Smith-Bowman Rape: To Name or Not to Name the Victim?" Southwestern Mass Communication Journal (1994).

[14] See especially, Dyer's "Listening to Women's Stories: Or Media Law as If Women Mattered" in Pamela J. Creedon, ed., Women in Mass Communication, 2nd ed., (Newbury Park: Sage, 1993), 317-340.

[15] It is important to note here that while I have used the terms "victim" and "survivor" intermittedly throughout this study, the terms "rape" and "sexual assault" do not hold interchangeable definitions. Sexual assault is a general term that often is used to describe all forms of unwanted sexual activity. It includes, but is not limited to, rape. While exact legal definitions vary by state, rape is generally defined as sexual intercourse against a victim's will and without the victim's consent. Thanks to Munson for noting.

Journalism's undergraduate journalism students. The three-hour core course in the Department's undergraduate curriculum includes: "Basic news writing, interviewing, speech coverage, news copy preparation. Understanding of the role of the professional journalist and access to information." The rape victim identification discussions and policy-writing exercise were scheduled in Week 12 (out of 16 weeks) during the Fall and Spring semesters. Each CSUN reporting student was asked to respond in writing to the question: "Should rape/sexual assault victims be named in the press?" Students were then provided with the take-home "You Be the Editor" hypothetical, wherein the students were asked to respond, also in writing, to this situation:

> You are the editor of a daily newspaper. What do you think should be your publication's policy on naming or identifying rape/sexual assault victims? Please state your newspaper's policy, explain how you came to your conclusions, and offer any suggestions you think might be helpful to your news staff.

In addition to the seven J110 Newswriting and Reporting classes, another course was employed as a comparative piece in the CSUN study. Women and the Media (J371) is an upper-division lecture course consisting of mostly junior- and senior-level journalism students who have already completed J110 Newswriting and Reporting. Findings from the Fall 1999 Women and the Media course can be found following the reportage of the findings from the seven CSUN Newswriting and Reporting classes.

Of the 126 students enrolled in the seven sections of the Fall 1997 (two sections), Fall 1998 (two sections), Spring 1999 (two sections) and Fall 1999 (one section) terms of the Newswriting and Reporting class at California State University-Northridge, and the

43 students enrolled in the Department's Fall 1999 Women and the Media course, a total of 140 student responses were received, a return rate of 82.84 percent.

Findings

Of the 140 total students responding to the three-year, eight-course study of undergraduate journalism students at California State University-Northridge, 94 of the students (67.14 percent) were female and 46 were male students (32.85 percent). Again, 140 out of 169 students in seven introductory newswriting and reporting classes and one Women and the Media class responded to the exercise, a response rate of 82.84 percent. Approximately 44 percent of the students in the CSUN study were of Anglo descent, 21 percent were Hispanic, nearly 14 percent were of Asian descent, and 12 percent were African-American. Twelve (nearly 9 percent) of the students identified themselves either as Indian, Iranian, Russian, Palestinian or of Eastern European descent. With the exception of eight students, all were under the age of 30 years of age at the time of the exercise.

A majority of the reporting students in the CSUN study (more than 60 percent of total students responding; 64 percent of all male reporting students responding and 60 percent of all female reporting students) said it is OK to identify rape/sexual assault victims in the press, but ONLY if the victim asks for or consents to being named (see Tables 5 and 7). Of all of the responses tallied in the CSUN study, only 4.73 percent (six female students and two male students) of the students said rape/sexual assault victims should be named in **all** cases. Meanwhile, nearly 20 percent of all females in the CSUN

study and 21.7 percent of the male students said the name of a rape/sexual assault victim should **not** be published by the press.

A break-down of the course results, followed by specific student-journalist policy considerations, can be found below.

Table 1: CSUN Newswriting and Reporting Courses, Fall Term 1997

	Percent
Name of rape/sexual assault victim should be published in all cases:	5.71
Name of rape/sexual assault victim should not be published:	14.285
Name of rape/sexual assault victim may be published if:	
■ ***victim is murdered***	2.857
■ ***victim asks for or consents to identification***	45.71
■ ***victim is well-known***	0
■ ***other media have already identified victim***	0
Did not respond:	31.428
	N = 35

A majority of the female students in these two sections of CSUN's Fall 1997 Newswriting and Reporting class (63 percent) said that a name may be published if the victim asks for or consents to identification (12 out of 19 female students responding). Only one female student suggested that it was OK to publish the victim's name in the case of murder (see Table 1). Four of the five male students responding agreed that a victim's name may be published, but only if the victim asks for or consents to

identification. The other male student said that the name of rape/sexual assault victims should "never, never" be published.

Of the female students who agreed with the majority's finding that a victim's name could be published if the victim asks for or consents to identification, two noted the importance of providing the public with information that could "help the community stay safe and apprehend the rapist." As one of these female students put it: "If the victim is a junior college student who has red hair and drives a red Toyota, and if she is the third junior college student with red hair and a Toyota to be raped in one month, her description and where she was at the time of the rape should be printed. Knowing the circumstances could help protect other junior college students with red hair and red Toyotas from being attacked. … The newspaper has a duty to warn its readers when a serial rapist is at large, and with that warning comes specific examples."

While the majority of the female students in these two sections was comfortable with naming names with the approval of the victim, four female students said that the name of a rape/sexual assault victim should not be printed. One such student, of Asian descent, provided a personal reason for her view, one tinged with the acknowledgement of the stigma often associated with sex crimes: "Sometimes it is very hard to get crucial information from a rape victim if she or he knows that their name will be published in the newspaper. They might have some things that they would not like to talk about. For instance, if this young lady went out clubbing with her friends without letting her husband know, and that is when she got raped, she would not want to reveal herself. She probably would not even wish to go to the police station. What if the publication of her

name gets her husband disgusted? They might get a divorce, and this young lady, by becoming a public example in my newspaper, might have to lead an unhappy life forever."

As another student, also female, put it: "Everyone knows that rape and sexual assault is never the fault of the victim, however, this does not take away from the pain and shame that the victim may be feeling. … Rape is a very personal and serious issue. My publication would treat it that way."

Table 2: CSUN Newswriting and Reporting Courses, Fall Term 1998

	Percent
Name of rape/sexual assault victim should be published in all cases:	8.571
Name of rape/sexual assault victim should not be published:	8.571
Name of rape/sexual assault victim may be published if:	
■ ***victim is murdered***	5.71
■ ***victim asks for or consents to identification***	51.428
■ ***victim is well-known***	0
■ ***other media have already identified victim***	5.71
Did not respond:	20
	N = 35

The majority of students in these two sections of CSUN's core reporting class, like their counterparts in the two sections the previous fall, also favored naming the victims of rape/sexual assault if the victim asked for or consented to identification (18 out of 35 students), if the victim was murdered (2 out of 35 students), or if other media had already identified the victim (2 out of 35 students). One female student, an editor with

the school's newspaper, *The Daily Sundial*, had even more specific policy guidelines. As she noted in her policy: "The name of the victim will not be named immediately following the crime. The initial report will tell only of a suspect and his/her whereabouts and the victim will only be mentioned as a victim. In the follow-up stories, the victim can be named only if the reporter has made contact with the victim and has asked for permission to be named."

Three of the 18 female students who responded to this exercise said that the name of a rape/sexual assault victim should not be published. As one student put it: "As an editor, it would be my policy to keep the names confidential. As a woman I can personally say that I would not want my identity revealed in a newspaper. I would be afraid of retaliation by the attacker or his family or his friends. I think that this is a good policy for every newspaper to take up." And another: "Being that most victims of rape and sexual assault are females, I would be compelled to relate with those women and protect their identity from the ridicule of society. There are males out there who probably make comments like, 'Women are asking for it when they are assaulted.' Many people, including both men and women, agree with such a comment. It is none of anybody's business to know the name of the victim. Who cares? What I want to know is: How old was the victim? Where did she live? How did it all happen? What time did the attack happen? Where? I am more concerned with what the suspect's name might be."

Like a student in one of the classes the previous fall, another female student raised the issues of cultural and gender bias as they relate to rape and marriage and dating. She said: "I don't want to name or identify rape/sexual assault victims because what had

happened to them was bad enough. I don't want people to recognize them and look at them as strangers or someone they want to avoid as if they are dirty. If the victims have not married, it will be very hard to find a guy. If the victims are married, their families may not be able to go through this with them and it might ruin their families. So, I don't want more bad things (like naming them) to happen to them. They are already sad. If no one mentions or recognizes this story, time can heal them."

The flip side to this argument, as editors who wish to end the stigma attached to rape victims would note, is to publish the names of victims in all cases. Two of the 18 females responding to this exercise agreed. As one put it: "I say print the names. Let the world know that people they know, love and care for are being hurt. I think that not printing the names of rape victims continues to tell victims that they have something to hide."

Table 3: CSUN Newswriting and Reporting Courses, Spring Term 1999

	Percent
Name of rape/sexual assault victim should be published in all cases:	5.71
Name of rape/sexual assault victim should not be published:	22.857
Name of rape/sexual assault victim may be published if:	
■ ***victim is murdered***	0
■ ***victim asks for or consents to identification***	48.571
■ ***victim is well-known***	2.857
■ ***other media have already identified victim***	0
Did not respond:	20
	N = 35

Again, this time in the Spring 1999 term, a majority of the student-journalists (48.571 percent) said that naming a victim of rape or sexual assault is OK, but only if the victim asks for or consents to identification. A majority of the female students responding (11 out of 18) agreed. So did six out of the 10 males responding to the exercise. What is different about this term's findings: Nearly 23 percent of the students suggested that the name of a rape/sexual assault victim should not be published at all (5 out of 18 female students responding; and 3 out of 10 males).

One of the five female students who suggested that names should not be published wrote: "As editor of a community newspaper, I am faced with the duty of serving as a watchdog for society. My readers have a right to know what is happening in their community. Is this a girl my children go to school with? Does this girl have the same problems my children face? Is the victim someone I know? By asking these questions, the reader is not only trying to satisfy their knowledge, but to learn crucial information to prevent such crimes from occurring again. Was the victim close to the rapist? Knowing that the girl was a classmate or neighbor instead of an unfamiliar face can trigger a sign of danger for community members to take more direct action to stop such crimes. While naming an individual can make a crime more personal and raise community awareness, by using the name of the victim, the victim's rights are being infringed upon. The girl did not choose to be a public figure. She is a private citizen and should be protected as such."

A male student, commenting on the naming of minors, later remarked that he unknowingly revealed his own gender biases in his policy. His words: "The only way I

would publish a minor's name in a rape case/story is only if she and her parents' consented to having the name published, thus showing young ladies that this horrible crime can happen to them. This can be a precautionary measure for all young females."

While most students focused on whether or not rape/sexual assault victims should be named in the press, two students, one male and one female, targeted the issue of identifying the perpetrator of the crime. As the 21-year-old female put it: "I think that the name that should be revealed is the one who committed the crime, so people can be aware of who the rapist-criminal is." The male student also responded succinctly: "The world does not need to know who the victim is. The world needs to know who the attacker is."

Table 4: CSUN Newswriting and Reporting Course, Fall Term 1999

	Percent
Name of rape/sexual assault victim should be published in all cases:	4.76
Name of rape/sexual assault victim should not be published:	28.571
Name of rape/sexual assault victim may be published if:	
■ ***victim is murdered***	4.76
■ ***victim asks for or consents to identification***	52.38
■ ***victim is well-known***	9.52
■ ***other media have already identified victim***	0
Did not respond:	0
	N = 21

As was the case in all previous sections, the majority of students in the Fall 1999 Newswriting and Reporting class at California State University-Northridge (52.38 percent) said victims' names may be published if they asked for or consented to identification (see Table 4). A majority of female students (53 percent, or 8 out of 15 females) in this particular class were part of this majority. Three out of the six male students in the class agreed that names could be published with a victim's consent.

Two of the other males in the class said names of rape/sexual assault victims should not be published. One of these male students wrote: "Victims need not be exploited. Those in the media are scrutinized enough for their aggressiveness and lack of morals and taste, and this type of scenario may be where journalists need to draw the line. It is always nice to think that one would not do that which he or she would not want done to them in the same situation. This may not be the case in all media circumstances, but names of victims of sexual assault have no place in my newspaper." Of the four female students who agreed, one student wrote: "Each time the story is told the victim must endure the psychological pain associated with the initial attack."

In an intriguing take on the policy-writing exercise, one of the male students in the class juxtaposed a story of a car-jacking victim with a story of a rape victim. His scenario: "Let's imagine Mrs. Mary Jones, mother of a 2-year-old son and a 14-year-old daughter, is driving home from her job at Reiner and Reiner Law Offices. She stops at a red light. As she waits for the light to go green, a man in a ski mask rushes to her side of her car, points a side arm and yells for her to get out and leave the keys in the ignition. She does. She's been car-jacked. Her name is all over the local papers as 'the 25th victim

of the West Valley car-jacker.' With that image in our heads, imagine that same masked man. Instead of taking her car, he gets into the back seat, points his gun at her and forces her to drive to an empty alley. In this alley he rapes her repeatedly. This same predator has raped at least a dozen other women. Should her name be all over the local news?" The student's one-word response: "No." He goes on to write that crimes such as car-jacking do not carry the same emotional and physical violations that the crime of rape carries with it. In his words: "Knowing who is violent, who writes bad checks, and who likes to smash mailboxes during the wee hours of the morning is useful to readers. But when presented with the situation of sexual predators and their prey, one really needs to step back and give the whole naming issue extensive thought."

Table 5: CSUN Newswriting and Reporting, Totals From Seven Courses

	Percent
Name of rape/sexual assault victim should be published in all cases:	6.349
Name of rape/sexual assault victim should not be published:	17.46
Name of rape/sexual assault victim may be published if:	
■ ***victim is murdered***	3.174
■ ***victim asks for or consents to identification***	49.20
■ ***victim is well-known***	2.38
■ ***other media have already identified victim***	1.587
Did not respond:	19.841
	N = 126

Discussions of the Patricia Bowman and William Kennedy Smith case coverage as well as the Central Park jogger case coverage almost always followed the students' return of this newsroom policy-writing exercise. All seven of these separate class discussions also were followed by a classroom lecture and brief question and answer session. For three of the Newswriting and Reporting class sections, members from CSUN's Project ACT served as guest lecturers. A University Counseling Services counselor served as guest lecturer for two sections of the class, and an area crime beat reporter served as the lecturer for the other two sections of the class.[16] Students in the CSUN study also were provided with a list of books and articles that allowed for further reading and analysis of the rape victim identification debate as well as the general coverage of rape and sexual assault.[17]

What was truly illuminating about this CSUN study, however, was the willingness of the students to bring up more personal stories about rape and the related and potential consequences of having one's name published. While these stories often began with the usual, "Well, I once had this friend ..." or "One of my sorority sisters

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[16] Special thanks to Carolyn Okazaki, of CSUN's University Counseling Services, for coordinating the Project ACT and other counselor-led sessions. Thanks also to Holly Wolcott, a reporter for the Ventura County edition of *The Los Angeles Times* and a master's degree candidate in Mass Communication at California State University-Northridge, for her first-hand knowledge of police reporting and the coverage of violent crime.

[17] Among the list of books suggested to students for further reading and more in-depth analysis of the rape victim identification debate as well as the general coverage of rape and sexual assault: Benedict's "Virgin or Vamp: How the Press Covers Sex Crimes"; Susan Brownmiller's "Against Our Will: Men, Women and Rape"; Angela Davis' "Women, Race and Class," (New York: Vintage Books, 1983); Martha Fineman and Martha McCluskey's "Feminism, Media and the Law," (New York: Oxford University Press, 1997); Marian Meyers' "News Coverage of Violence Against Women: Engendering Blame," (Thousand Oaks, Calif.: Sage Publications, 1997); Patricia Searles and Ronald J. Berger's "Rape and Society: Readings on the Problem of Sexual Assault," (Boulder, Colorado: Westview Press, 1995); Thomason, LaRocque and Thomas' "Editors Still Reluctant to Name Rape Victims," Newspaper Research Journal, vol. 16, no. 3 (Summer 1995), 42-51; and Rosemarie Tong's "Women, Sex, and the Law," (Totowa, New Jersey: Rowman& Allanheld, 1984).

...", because of CSUN's diverse student population,[18] these class discussions often touched upon race and class issues as they related to rape and sexual assault coverage. As one Asian-American student put it: "You just can't understand what the knowledge of such a criminal act as rape can do to us. It could mean the difference between getting married, staying married, or being alone, all alone for the rest of your life." Another student, a woman of African-American heritage who noted that she grew up in a "not well-off" area of Compton, California, put the naming debate in quick perspective for many of her classmates: "If you're a rich b---h like the Central Park jogger, you get protected by the press. If you're me, or look like me, you're screwed. Nobody in the media is going to worry about your feelings."

Such words were made all the more relevant when addressed more specifically in another course at California State University-Northridge. Women and the Media (J371) is an upper-division lecture course consisting of mostly junior- and senior-level journalism students who have already completed J110 Newswriting and Reporting (the course targeted in the CSUN study). It is in this lecture course that students are required to read such works as Benedict's "Virgin or Vamp: How the Press Covers Sex Crimes," Angela Davis' "Women, Race and Class" and excerpts from Pamela Creedon's "Women in Mass Communication," including Carolyn Stewart Dyer's chapter on "Listening to

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[18] A member of the 23-campus California State University system, CSUN is one of the largest institutions of higher learning in California. It is the third-largest college or university in Los Angeles County, after UCLA and CSU-Long Beach. In Fall 1997, CSUN's student enrollment was 27,653. Of these students, 39.3 percent were White, 13.4 percent Mexican-American, 7.3 percent Other Latino, 11 percent Asian-American, 8 percent African-American, 3.4 percent Filipino, 3.1 percent Non-resident Alien, and the rest either American Indian, Pacific Islander or "Other." Information from the California State University-Northridge Undergraduate and Graduate Catalog, 1998-2000 and the President's Report for 1996-1997. Both publications published courtesy of California State University-Northridge, 18111 Nordhoff Street, Northridge, California, 91330.

Women's Stories: Or Media Law as If Women Mattered." Because the course's focus is on the media's coverage of women, students often were inclined to be more thoughtfully critical and analytical in their responses to the rape victim identification exercise. And so, the study was expanded to include the policy considerations of the students in this course. It is hoped that such an inclusion will add even more value to these students' future decisions regarding, in particular, the naming of rape victims and, in general, the ethical treatment of sex crimes and other stories regarding violence against women.

Table 6: CSUN Women and the Media Course, Fall Term 1999

	Percent
Name of rape/sexual assault victim should be published in all cases:	0
Name of rape/sexual assault victim should not be published:	16.279
Name of rape/sexual assault victim may be published if:	
■ ***victim is murdered***	13.95
■ ***victim asks for or consents to identification***	55.81
■ ***victim is well-known***	4.65
■ ***other media have already identified victim***	0
Did not respond:	9.30
	N = 43

Twenty-four female students and 15 male students responded to the rape victim identification/newsroom policy exercise, for a class response rate of more than 90 percent. Of the 39 total students responding in this class of 43 students, not a one was of the opinion that the name of a rape/sexual assault victim should be published in all cases.

This was not the only surprising finding. Of the four African-American students in the class, all four said that the names of rape/sexual assault victims should not be published. One such student, a male over the age of 30, said: "No, I would not print their names. I feel that there is such a negative stigma attached to a rape victim, that printing their names would only make matters worse for the individuals. I think doing so will make it very difficult for that person to have a normal lifestyle. Printing the person's name does not make a story any better." Another African-American male student wrote: "I will NEVER EVER (his emphasis) name a person in my paper who has been raped or sexually assaulted because the victim deserves his or her privacy." As another female student put it: "To name the victim, unfortunately, puts her on trial. Some would say that to not name the victim adds to the stigma, but I don't think that holds water. On the whole, I'm not sure it is the press' job to ferret out details regarding a victim. What service does this provide? It may also prevent survivors from coming forward and pressing charges. The fear of being ripped apart in the court of public opinion is a very real one."

Still, the majority of the students in this CSUN course (55.81 percent), like the students in all seven sections of the Newswriting and Reporting class at CSUN, said that the name of a rape/sexual assault victim could be published if the victim asked for or consented to identification. This majority included 75 percent of the women in the course (18 out of 24 female students responding) and 40 percent of the men (6 out of 15 male students responding). Another 13.95 percent of the students in the course said they, too, would publish the names of rape victims, but only if the rape victim was murdered in

the course of the crime. As one of the four male students in the class who responded in such a matter wrote: "We print the name of a rape or sexual assault victim under the following conditions: The victim dies. No other conditions will be made to print the name of a victim. To use an example from 'Virgin or Vamp,' we don't want the victim to go to a store a year later, plunk down a credit card with their name on it, and have the cashier say, 'Oh yeah, you're the gal that got raped.'"

Another student, one of two students who said the name of a rape/sexual assault victim could be published if the victim was well-known, wrote: "My paper would not name private citizens if they were victims of rape or sexual assault. If, however, a public figure or celebrity was raped, the story would likely be so huge that we would be forced to name them. Celebs (her word) are big news in L.A. My paper's policy recognizes this very real reality."

A few students articulated well the tie between the power of the press and the relative weakness of a rape victim. As one student, a journalism major with a minor in Women's Studies, wrote in her policy: "The names of victims of rape or sexual assault may only be published with the consent of the victim or the consent of the victim and the parent if the victim is under 18 years of age. This policy allows the victim to choose, to have the power in this situation. If newspapers/media are given this power it only victimizes the victim once again."

The following table shows the complete results from the seven sections of the CSUN Newswriting and Reporting course, with the addition of the findings from the Women and the Media class held in the fall semester 1999.

Table 7: CSU-Northridge Study, Two-Course, Eight-Class Totals

	Percent
Name of rape/sexual assault victim should be published in all cases:	4.73
Name of rape/sexual assault victim should not be published:	17.159
Name of rape/sexual assault victim may be published if:	
■ ***victim is murdered***	5.91
■ ***victim asks for or consents to identification***	50.88
■ ***victim is well-known***	2.95
■ ***other media have already identified victim***	1.183
Did not respond:	17.159
	N = 169

While students' written responses and class discussions were often richer in the Women and Media course, perhaps due to the content of the reading materials offered as well as the fact that many of the students either were involved in or had been involved in journalism internships and/or the university's newspaper *The Daily Sundial*, the overall responses to the rape victim identification/newsroom policy exercise were quite similar. In both the Newswriting and Reporting courses as well as the Women and the Media class, the overwhelming majority of the students (49.20 percent and 55.81 percent, respectively) said that the name of a rape/sexual assault victim could be published if the victim asked for or consented to identification. While a few of the reporting students were of the opinion that such names should be published in all cases (6.349 percent), the students in the reporting class and the students in Women and the Media were of nearly

the same mindset when it came to not publishing such names. In the seven CSUN Newswriting and Reporting sections, a total of 17.46 percent of the students said that the name of a rape victim should not be published. In the Women and the Media class at California State University-Northridge, 16.279 percent of the students agreed.

What Student-Journalists Would Do: Conclusions

Of all of the responses in the CSUN study, only six female students said rape/sexual assault victims should be named in **all** cases. And nearly a quarter of the male journalism students agreed that the name of a rape/sexual assault victim should **not** be published by the press.

Still, the most striking similarity among all the classes was the finding that nearly half of the student-journalists said that the name of a rape/sexual assault victim could be published if the victim asked for or consented to identification. In the CSUN study, 50.88 percent of the student-journalists responded in this manner. As one student, a male CSUN student who intends to become the editor or publisher of a daily newspaper some day, put it: "I, as the editor of my paper, would handle the policy of naming rape/sexual assault victims on a case-by-case basis. That is to say, as a general policy, I would not report these names in my paper as my ethical responsibility to victims, the readers, and the profession at large. … In an attempt to lessen the impact of social stigma still attached to rape and sexual assault, some women (perhaps men, too?) have recently come forward and asked that their names be printed. I think this is an important empowering tool for certain individuals and one I believe they ought to be allowed. In these cases, I as the

editor would over-ride my general policy of not printing such names. … What helps in this policy of case-by-case analysis is that I think as a general rule most individuals under these circumstances do not care to be identified. As victims of these kinds of crimes, the decision of a paper or media outlet to keep these people's identity a secret as they desire (student's emphasis) certainly seems proper and ethical and clearly outweighs the public's right to know in practically all cases. Perhaps this is one of the clearer examples of where ethics within the media is still held to a higher standard than we are often led to believe, because legally we do allow the printing of such names, yet choose as a matter of policy and principle to not do so."

Running head: THE ROLE OF QUESTIONS IN COVERAGE OF CLONING

The Role of Questions in TV News Coverage of the Ethics of Cloning

Submitted to
Media Ethics Division
Association for Education in Journalism and Mass Communication

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Abstract:

The Role of Questions in TV News Coverage of the Ethics of Cloning

This study is a qualitative analysis of the use of ethical questions in 36 network TV news pieces after the cloning of Dolly the sheep in 1997. The study uses an analytical framework grounded in ethical theory. Questions were a prominent feature of most of the stories. All but a few questions pointed to issues of ethical duty or consequences, though often only in general terms. Responsible uses of questions are discussed, along with uses that distorted or sensationalized.

THE ROLE OF QUESTIONS IN TV NEWS COVERAGE OF THE ETHICS OF CLONING

The American public and medical professionals have faced difficult ethical choices in recent years because of developments in research and clinical practice. Areas such as genetic testing, stem cell research, and end-of-life care have come to public attention through news coverage in print and broadcast. One of the areas that has received the broadest media attention is cloning. The cloning of Dolly, perhaps the most famous sheep in history, in 1997 led to 15,500 news stories (Vastag and Arnold, 1999). Some of this coverage touched on ethics. For example, 800 stories addressed matters related to cloning and identity.

Much of the uproar over cloning has stemmed from concerns that someone will try to clone a human being. This fear was perhaps justified by the announcement in January that an American fertility specialist and colleagues planned to clone a human (Weiss, 2001), followed by congressional hearings at which this group and another one seeking to clone people were questioned about the safety of their approaches (Saltus, 2001). Significant ethical issues are connected with cloning – issues such as respect for personhood, the appropriate limits on science, and responsibility toward those created through advanced reproductive technologies. The news media are on the front lines in bringing, or failing to bring, such issues to public attention.

In light of the importance of this topic for society, good coverage of cloning and its ethical implications is a matter of good media ethics. This view of media responsibility echoes Craig's (1999) argument that media portrayal of topics with important ethical implications is itself a matter of good media ethics when viewed in light of the social responsibility (Commission on Freedom of the Press, 1947; Siebert et al., 1956; Schramm, 1957; Rivers, Schramm & Christians, 1980) and communitarian (Christians et al., 1993) theories of the press.

This study is a qualitative analysis of the use of ethical questions in 36 network TV news pieces in the first months after the announcement about Dolly. The study uses an analytical framework grounded in deontological and consequentialist ethical theories. Questions that bring ethical issues home to viewers were one of the most prominent features of these stories as a group. Examining these questions sheds light on how these widely viewed pieces dealt with important issues of ethical duty and consequences, as well as how – in some cases – the pieces raised far-fetched possibilities with little or no basis in science.

Literature Review

Ethics coverage has received some attention as it relates to cloning, to other bioethical topics, and to ethics across professions. However, relatively few studies have treated the ethical dimension systematically or in ways that are explicitly tied to ethical theory.

The ethics of cloning. Priest (2001a, 2001b) dealt with cloning coverage in detail – though not in the explicit context of ethical theory – in a study of elite U.S. newspaper coverage of biotechnology from 1994 through 1997. She found that the ethics of human cloning dominated the coverage, at the expense of other ethical issues related to "the economic implications of biotechnology, including the likely impacts on agriculture, as well as implications for the integrity of both non-human animal and plant species and for ecological health and balance" (Priest, 2001a, p. 60). She pointed to the issue of individual autonomy – part of the ethical framework of the present study – as an influence on the amount and nature of the coverage. However, the issue of autonomy was presented in the context of its prominence in American culture rather than its significance in ethical theory.

Another study on the coverage of cloning ethics examined portrayals in newsmagazines, The New York Times, and some network TV news programs. Analyzing this coverage in some

depth – though without articulation of the study's method -- it found ethical concerns focused on "three connected worries: the loss of human uniqueness and individuality, the pathological motivations of anyone who would want to clone, and the fear of 'out-of-control' science creating a 'brave new world'" (Hopkins, 1998, p. 6). The analysis also touched on a concern of Kantian and Judeo-Christian ethics: not treating humans as means to ends (Albert et al., 1984; Christians et al., 1998). Neresini (2000) discussed ethical issues as part of the network of issues connected with cloning in Italian newspaper coverage, but the discussion was not in the context of ethical theory. An article by Wilkie and Graham (1998) referred to ethics but did not go into depth about how the ethics of cloning was portrayed. Primarily examining British newspaper coverage of the Dolly story, it found a conservative bias in the way the press reacted to the cloning. Rosenfeld (1999) noted that newspapers focused quickly on the ethics of cloning, but he did not evaluate ethics coverage in depth, either.

A few relatively brief articles (Kees, 1998; Lutz, 1997; Stein, 1998) covered panel discussions evaluating media coverage of cloning – one of the discussions a Freedom Forum panel aptly titled "Covering Cloning: An Ethical, Scientific, Legal, Religious, Political Scary Story." In another short piece, Dolly researcher Ian Wilmut himself lamented the attention some "quality papers" gave to "lurid science fiction fantasies" (Griffin & Wilmut, 1997, p. 49). In addition, Turner argued that the media "could do more to foster thoughtful public debate on the legal, moral, political, medical, and scientific dimensions" of cloning (1997, p. B4). She criticized "hyperbole" about cloning born of an assumption of "genetic essentialism," which fails to recognize that people's development is based on many factors other than genetics.

Coverage of other bioethical topics. This study of coverage of cloning, a major topic in bioethics, sits in the broader context of research on coverage of bioethical issues. A larger

number of studies have been conducted related to other medical and scientific areas with ethical implications. But the number addressing ethics in a systematic, theoretically grounded way is again small.

Craig (1998, 2000b) looked at how 31 stories by major news organizations examined genetic testing. That study, which used a framework explicitly based on ethical theory, found that the pieces gave greater attention as a group to consequences than to ethical duties. In addition, like the present study, it examined uses of ethical questions, finding that they were wrapped up with the presentation of important ethical themes, and noted that questions "confronted readers with the moral choices that arise from genetic testing" (Craig, 2000b, p. 165). Craig (2000a) also studied portrayal of the ethics of assisted suicide and euthanasia in three 1998 newspaper pieces that followed a "60 Minutes" broadcast of a videotape showing Dr. Jack Kevorkian killing a man by injection. All three dealt in significant depth with ethics, and the paper assessed in detail how they portrayed ethical issues, questions, and themes. Another study of coverage of assisted suicide and euthanasia (Turow, Caplan, & Bracken, 2000) looked at coverage by 129 newspapers in the period surrounding the "60 Minutes" segment. The study found that five concerns which bioethics literature emphasizes related to assisted suicide and euthanasia seldom appeared.

Patterson and Hall (1998) drew on ethical theory in studying public discourse on abortion in print media from the 1940s to the 1990s, using an ethic of care (Gilligan, 1982). They found that "the feminine means of moral reasoning" (p. 92) had gradually become prominent when abortion was discussed. Chadwick and Levitt (1997), discussing coverage of genetic screening, used ethical theory by referring to Klaidman and Beauchamp's (1987) framework of

journalism ethics to argue for portrayal of alternatives and consequences connected with screening.

Other analyses of bioethical topics have touched on coverage of ethics, but they have not explicitly applied ethical theory to their assessments. Such analyses have dealt with coverage of heart transplantation (Oates, 1973), the right-to-life case of Baby Jane Doe (Kerr, 1984; Klaidman & Beauchamp, 1986), discussion of embryo research in Britain (Mulkay, 1994), biotechnology (Altimore, 1982; Goodell, 1980; Lewenstein, Allaman & Parthasarathy, 1998; Nelkin, 1995; Priest, 2001b; Priest & Talbert, 1994), and research on genetics and homosexuality (Miller, 1995).

Coverage of ethics across professions. Beyond its connection to coverage of bioethics, this study is tied to the broader realm of coverage of ethical issues in professions beyond medicine and science – such as business, law, and government. Little published work has examined how ethics is covered in professions more generally. A conference paper by Mason (1993) did provide a preliminary look at the state of ethics coverage. She found that "the nation's daily newspapers do little actual coverage of ethics as a beat or as an aspect of stories on other beats" -- whether the subject is ethics in "other disciplines" or media ethics (p. 2) – though she found this might be changing. Mason found that ethics was frequently raised in coverage of government but that the articles focused mainly on "fiscal misdeeds" of politicians. Willey (2000) touched on an area connected with ethics coverage by examining portrayal of values in the religion section of The Dallas Morning News.

Craig (1997, 1999) has argued that ethics coverage deserves careful analysis. He proposed a framework grounded in ethical theory for assessing portrayal of ethics in professions and society. Stories are evaluated "based on how thoroughly they portray the ethical issues

relevant to a topic, the parties connected with those issues, the levels at which the ethical issues play out [individual, organizational/institutional, professional, and social], and the legal backdrop for those issues" (Craig, 1999, p. 17). The criteria for assessing how well stories address these four areas are drawn from three of C.E. Harris's categories of types of moral judgment, in which actions are judged to be morally impermissible, morally obligatory, and supererogatory, or "above and beyond the call of duty" (Harris, 1992, pp. 58-59). Under the framework, if the coverage of a topic with important ethical implications is weak in these four areas, the coverage is considered morally impermissible. A single story that was in-depth but did not deal with ethics would also be considered morally impermissible. Comprehensive coverage of ethics, however, would be considered supererogatory; some coverage would be morally obligatory.

This framework was applied in the studies of genetic testing (Craig, 1998, 2000b) and assisted suicide (Craig, 2000a), but it has not yet been applied to coverage of topics outside bioethics.

The literature on ethics coverage has provided some insight on how ethical issues are portrayed. Much of the analysis, however, has been conducted in ways that do not explicitly connect with the systematic concerns raised by scholars in ethics. The present study is aimed at helping to fill that gap.

Method

This study examined 36 segments[1] on cloning that appeared on evening news programs of four major TV networks: ABC, NBC, CBS, and CNN. The stories appeared from late February 1997, when the cloning of Dolly was announced, to early June 1997, soon after the National Bioethics Advisory Commission recommended a ban on human cloning. A look at coverage in this period thus affords a chance to examine cloning coverage during a time of

intense public reaction and policy debate. Videotape of the stories was obtained through the Vanderbilt University Television News Archive, whose database was searched for stories indexed as referring to cloning. Items less than a minute long were excluded because it was considered unlikely they would deal with ethics in more than a passing way. Transcripts were obtained from the Lexis-Nexis database, except in a few cases where they were unavailable and had to be transcribed from tape.

The study drew on part of Craig's (1999) framework to guide the analysis of the stories. Specifically, the analysis focused on how the stories portrayed ethical issues – particularly matters of duties and consequences – and how they used ethical questions to pose these issues.

Articles were analyzed for how they dealt with duties of those who might carry out or be affected by cloning -- including faithfulness to commitments, sensitivity to human needs, sensitivity to autonomy of parties, and sensitivity to justice. Also analyzed were references to consequences, real or conjectured, of cloning, including both benefits and harms. Though other ethical perspectives are also important, both duties and consequences have been significant in historical and current-day study of ethics (Craig, 1999) – with often-cited roots in the deontological viewpoint of Kant and in the consequentialist approach of Mill's utilitarianism. The specific ethical issues noted here come from religious (May, 1991; Ramsey, 1950, 1970) and philosophical (Beauchamp & Childress, 1994) ethics. The analysis also left open the possibility that other duties could appear (Craig, 1999). Working definitions of the ethical categories from Craig (2000a) were used in examining these stories.[2]

Transcripts of the stories were read repeatedly and marked for occurrences of these ethical concerns. Also marked were all occurrences of ethical questions. A sentence was viewed as posing an ethical question if it stated or implied a matter of benefit or harm, or of moral duty

or choice, and ended with a question mark or was phrased implicitly as a question – with wording such as "whether humans should be cloned." In addition, sentences that simply said cloning raises ethical questions were counted.

Although this basic counting was done to create a broad picture of the portrayal of ethics, this study is qualitative because it focused on how the issues appeared in individual stories through the specific wording of questions. Understanding the details of how the stories presented questions is important because nuances are important in ethics – and therefore may make an important difference in viewers' understanding of this dimension.

Code sheets for each article, including text examples and comments, were kept electronically.[3] Although the analysis focused on the words that were used to portray ethics to the audience, places where images strengthened the presentation of ethics were also noted through the viewing of the videotape. This attention to both text and images is consistent with the idea that TV news "is a mediator of events, defining, shaping and representing the real by the use of linguistic and visual codes" (Bignell, 1997, p. 113).

Although the analysis examined the portrayal of ethical issues in the entire stories, the presentation of findings here will focus on the stories' use of questions because of their prevalence as a feature of the stories and, as Craig (2000b) noted, their potential to confront viewers directly with ethical issues. The presentation of the findings about questions will center on their portrayal of ethical duties and consequences.

Findings

Questions were part of the presentation of ethics in 28 out of 36 segments. Some stories included several questions, and some of the questions were used to frame the presentation in that they appeared in the anchor's introduction of the piece or in the reporter's opening words. In a

few cases, visuals strongly enhanced the ethical message, but this was the exception rather than the rule, and the stronger visuals tended to support questions about ethical consequences, not duties.

The news about the creation of the cloned sheep Dolly ignited controversy that grew out of the scientific success with an animal but focused on concerns about potential application of the cloning method to humans. All but a few of the questions raised in the stories imply or explicitly point to issues of duties or consequences in regard to cloning.

Questions As Windows on Ethical Duties

Thirty-six of the 89 analyzed questions – fewer than half -- addressed ethical duties to some extent. Most questions that pointed to ethical duties referred to them only at a general level. Considerably less attention was devoted to concrete concerns about the specific duties noted in this study's framework: faithfulness to commitments, sensitivity to human needs, autonomy, and justice. Each of these duties was addressed in six or fewer questions – autonomy in only one.

One question that referred generally to duties appeared in one of the first pieces on cloning, an NBC story that aired February 23. Anchor John Seigenthaler opened the story, the second of the network's two pieces for that day, in this way: "Even though the science is years away, the debate over whether humans should be cloned has already begun" (Bernard, 1997). This question, whose "should" implies concerns about ethical duties, launched the discussion about the implications of cloning. Similarly, CNN's anchor Fionnula Sweeney framed another early story in this way:

> The image of the baby lamb may be comforting, but does it mask more troubling possibilities? News that scientists have cloned the sheep is sending shock waves through

> the scientific and medical communities. Experts say the first cloning of an adult animal raises serious questions. (Darrow, 1997)

Although the question about "troubling possibilities" implies a consequentialist concern about harm, it also suggests – again very generally -- a violation of ethical duty in the pursuit of these possibilities.

Another story, on ABC, used a source who was interviewed to raise a question that implied more specific concerns about ethical duties. Sociologist Dorothy Nelkin said: "I'm not so sure regulations are effective. It does raise the interesting issue that's been brought up many, many times about should there be limits to scientific inquiry?" (Potter, 1997) This issue strikes at the core of the ethical problem by probing ethical boundaries that create sometimes contradictory trajectories. The idea of limiting scientific inquiry would, in the case of cloning, uphold a duty not to overstep human bounds and "play God," and a duty to preserve and respect individuality. However, these duties are, from the standpoint of supporters of human cloning, in tension with the duty to be sensitive to human needs that might be met through cloning.

In a story for NBC, reporter Fred Frances presented a question that not only points to possible medical benefits from human cloning – another consequentialist concern -- but also exposes complex issues of ethical duties. (The visuals, although going beyond "talking heads" to show the filling of centrifuges with solution, were not compelling enough to strongly enhance the ethical message.) His question, leading into a comment by Steven Grebe of American University, said: "But what if the techniques used for cloning can lead to cures for inherited diseases like sickle cell anemia or diabetes?" (Frances, 1997) This question implies that faithfulness to commitments might include pursuing the benefits that human cloning may provide in the future. Accordingly, a choice to disregard human needs for a cure for insidious

diseases – a cure provided by cloning techniques -- might paradoxically be regarded in the future as ethical misconduct by, for example, the victims' families. The question mirrors the actual discomfort that scientists, ethicists, and clergy experienced in defining the stance on a very general question a reporter raised in another story, on CBS: "How far should cloning be allowed to go?" (Roberts, 1997).

Faithfulness to commitments, sensitivity to justice, and sensitivity to autonomy of parties were implied in a story by CNN's Richard Blystone. This piece, characterized as an essay in its introduction, was notable because it was presented more in the reporter's own voice. Questions by the reporter, then, were an important part of the way the piece framed the ethical issues for viewers. Blystone vividly presented several questions about human cloning:

> Those of us for whom all sheep are identical anyway are more intrigued with the possibility of cloning humans. How useful, if a new generation looks unsatisfactory, to put off the problem by cloning a revered monarch, or prime minister, or movie star. Bill Clinton says he finds the prospect disturbing. Would Bill Cloneton? How you would feel about your dog, or your spouse, or yourself, just knowing that all could be replicated ad infinitum? If you had a clone, would you have a right to farm it for a kidney transplant? (Blystone, 1997)

Blystone's burst, although filled with sarcasm, need not be received lightly as it addresses crucial ethical issues. Concern about autonomy, which is centrally a matter of free choice without coercion, is implied in the question about a person's right to "farm" his or her clone. Concern about justice, or fair treatment of individuals, is implied in that question, too, and in the question about replicating oneself or one's loved ones. The responsibility of faithfulness to act in the interest of others is also implied in these questions. The creation of a human clone would

provoke different reactions across the public spectrum. Despite the good intention of the few, the cloned individual might become the object of a kind of segregation in which the "pure" individuals would be treated with more respect than the "cloned" ones, or vice versa. The appearance of the new form of life would inevitably start a social tremor with consequences that might challenge the major social tenets such as equality and respect among members of the social structure. This CNN essay, though still within the confines of network TV brevity, is a significant contribution to the discussion of ethical aspects that were almost entirely ignored or too vaguely and generally addressed by the questions in other stories.

Another question that stirred issues of justice came from Gracie Hsu of the Family Research Council in a piece on CBS. Hsu asked: "How many countless lives, how many countless embryonic children will be destroyed in order for one clone to be made perfect?" (Pitts, 1997) Hsu's question was in reaction to the recommendation of the National Bioethics Advisory Commission that cloning of entire humans be banned but that research on human embryos be allowed. The question was also response to the fact that nearly 300 unsuccessful attempts preceded the one that brought to life the healthy sheep Dolly. This question implies concerns about faithfulness to commitments to persons ("embryonic children"), sensitivity to their needs, and sensitivity to just treatment of vulnerable parties.

As these examples show, some of the questions, though only implying rather than directly stating ethical duties, point to specific duties in this study's framework and to the complex interweaving of the ethical issues connected with cloning.

Questions As Windows on Ethical Consequences

Issues of consequence were present in about three-fourths (69) of the analyzed questions – a good deal more than for duties. As with the representations of duties, the general

consequences of cloning were present most often. Questions that stated or implied harms appeared three times as often as questions that pointed to benefits (20 versus six). Also, in numerous cases, the questions pointed to concerns about both ethical duties and consequences.

Most of the questions expressed a sense of unease about the consequences of cloning if the method were to be used on humans. However, the extent to which ethics was present and the kind of ethical content varied within these questions. A story on CBS Evening News showed considerable consequentialist concern without specifically implying benefits or harms. Reporter Anthony Mason posed the possibility of re-creation of a child by confronting several views on the issue. His report, interweaved with "If's," ends this way: "That is the question Dolly may have raised. If science is creating the perfect sheep, what's to stop it from trying to create the perfect human?" (Mabrey & Mason, 1997) The general implication of this medical breakthrough – the possibility of human cloning -- was evident in this journalistic piece as a whole, as well as in its final question.

Another story, on ABC, raised a very brief question but enhanced it with powerful visuals. After reminding spectators that identical twins, as natural biological clones, were often brought into the world, reporter George Strait proceeded by asking: "But clones created in a laboratory?" (Strait, 1997). The first part of the visual sequence showed identical toddler twins innocently laughing and playing, while the second, brought up by Strait's question, showed the dreary practice and ambience of a Nazi experimental hospital that creates a "master race" -- rendered skillfully in the futuristic movie "The Boys from Brazil." This short and powerful combination of pictures and voice-over in its generality refers to the ambiguous results that the decision to proceed with human cloning might generate. Strait's question also provides another

good example of a question that frames the story, this time in the reporter's opening rather than the anchor's.

A more ostensible form of consequentialist ethics emerged in questions that clearly inquired about the possible positive or negative impacts of the cloning method introduced by the Scottish scientific team. Questions that directly queried about the benefits of cloning were rare. One such question stated straightforwardly: "What are some of the positive applications of this technique?" (Meserve, 1997) Another, already noted in connection with duties, stated: "But what if the techniques used for cloning can lead to cures for inherited diseases like sickle cell anemia or diabetes?" (Frances, 1997)

One CNN story dwelt on some grim potential implications but also implied what some might see as a positive consequence. Reporter Siobhah Darrow offered a barrage of questions that carried some speculations about the imaginable outcome of cloning. This play between questions and other discussion of lingering consequences exposed features rather frequently observed in the reports on cloning:

> But what are the darker implications of this breakthrough? If you can clone an animal, you can presumably copy a person. Where it will stop? Will parents want backup children in case of damage or death? Or could we create twins of ourselves to be used for spare parts? The possibilities are endless. Scenarios that fiction writers have only imagined could now come true -- be it dictators duplicating themselves or dead geniuses brought back to life and copied for posterity. (Darrow, 1997)

This whole segment is visually presented in two distinctive ways that usually define news reporting. The first visually characteristic part finishes with the question: "Or could we create twins for ourselves to be used for spare parts?" where Darrow speaks directly to the camera

(audience) in an authoritative manner that signifies the importance of the issue. The strong message, evident in the number of questions, further escalates in the next segment, dominated by visuals and supported by voice-over. Images of Aldous Huxley's book "Brave New World," footage of Saddam Hussein, and a still of Albert Einstein that suddenly becomes multiplied to hundreds of copies strengthen the spoken word.

However, it is not entirely clear how to distinguish the negative consequences from the positive ones in this section. While the reference to the dictator has established itself as an easily recognizable negative symbol even among the least informed members of a society, the phrase "dead geniuses" (not in a question directly but stated in connection with questions) is more ambiguous. Some supporters of cloning might view the genetic duplication of an Einstein as a great benefit to society, though those who oppose cloning in any form would deem it unacceptable regardless of the results.

Another example where a possibly positive consequence had a similarly gray quality while coupled with negative results comes from Wyatt Andrews of CBS. Andrews explored the potential consequences of cloning just a day after the official ban on federal funding of cloning was presented by President Clinton. Andrews stated: "Human cloning raises moral questions, such as the resurrection of a Hitler, and ethical questions, like the re-creation of deceased children" (Andrews, 1997). This statement blurs the line even more between the re-creation of children that some might one day term as a positive achievement and the epitomized evil seen in the resurrection of Hitler. Both potential prospects were powerfully illustrated by two sequences. The first segment showed black-and-white archival material of Adolf Hitler, who menacingly rushes toward the camera followed enthusiastically by the members of his clique while cheered by the members of the phalange. And the second showed pallbearers, dressed mostly in black,

setting down a coffin. Images were intensely used to emphasize the reporter's voice-over. With a simple inclusion of the pre-filmed material the message gained severity.

Some questions directly inquired about the negative consequences of cloning. For example, in Vicki Mabrey's report on cloning broadcast on CBS, Dr. Patrick Dixon suggested the potential risk that would suddenly occur if the method were acquired by problematic personalities: "What kind of ways could this technology be abused by a dictator?" (Mabrey, 1997) He followed the question by pointing right away to Saddam Hussein, whose firmly established iconography supports this casual comparison. This question, like nearly all of the others studied, was stated without explicit use of the word "ethics" or a cognate term. Nonetheless, it conveyed a concern that was clearly ethical when viewed from a consequentialist standpoint.

These examples show that, as with duties, while some questions were general, others focused attention more sharply on specific ethical concerns. In some cases the consequentialist questions came home strongly through wording supplemented by powerful visuals.

Discussion

The analysis of 36 network TV news segments about cloning showed that more than three-fourths of them – 28 -- included ethical questions. Although the questions seldom explicitly used the word "ethics" or its related terms, nearly 90 ethical questions appeared, and almost all could be categorized as at least implying concerns related to issues of duty, consequences, or both. Consequentialist issues were present more often than deontological ones. For both kinds of ethical issues, most questions did not include any elaborated inquiry about cloning extending beyond generalizations. In only a few instances did questions address the deontological issues of faithfulness to commitments, sensitivity to human needs, autonomy, and justice included in the

framework on which this study was based (Craig, 1999). A larger number of questions pointed specifically to benefits or harms – the consequentialist concerns included in the framework – and harms appeared more often than benefits. By giving at least some attention to ethics, the stories met an element of what Craig (1999) would term a moral obligation of the media.

Visuals, in most cases, did not seem to add much to the value of the story in an ethical sense. Although this study did not assess audience response to the visuals (or text) – a topic worthy of further research -- only a few stories used images that appeared to powerfully enhance the message of ethical implications. In several cases the stories avoided the uninventive "talking head" strategy but nonetheless used only the obvious for illustration – for example, a shot of sheep (Dolly, a couple of sheep, or a herd of sheep), followed by humans (a young couple kissing, or masses of humanity walking unidentified streets). The most frequent approach to visualization was presented in the manner of a simple shot of the speaker (anchor, reporter, or sources) that directly or indirectly engaged the audience by raising a question. The lack of a stronger approach to visuals to underscore the voice-overs might lie in the natural brevity of the questions, which arguably does not allow for much visualization. However, the few examples of well-structured interplay of words and pictures related to ethics contradict this notion. They showed that creativity could resist time constraints.

Overall, the cloning of Dolly did appear to cause the emergence of "larger" questions about the potential for human cloning -- an activity often portrayed as troubling, serious, intriguing, horrific, or important. The questions were mostly formulated on the basis of potentiality, and as such these questions were enveloped in futuristic concerns. As a result, the answers remain within the realm of conjectures that will stay provisional until cloning develops further. However, the fact that the stories raised ethical questions at all – and especially this

many – is significant. (The amount of air time given to the segments, within the time constraints of network TV news, is also significant.) The posing of questions at least opens the possibility of discussion within the different spheres of society on the ethical issues that are inherent in the prospect of human cloning. Priest (2001b) argues that this kind of discussion of biotechnology issues is in the interests of both scientists and those who want to foster democracy.

Still, some of the questions showed a weakness from the standpoint of their value for public discourse in that they tended to sensationalize and distort the possible results of human cloning. For example, CNN's Siobhah Darrow (1997) mentioned two scenarios: creating "backups" of injured or deceased children, or creating twins to get spare parts. But these scenarios rest on speculation that surges toward the overly dramatic. In addition, the idea of creating a "backup" child misrepresents the science of cloning because a clone of a deceased child would be a distinct person who would grow up under different influences, not an exact duplicate as this scenario implies. This kind of misrepresentation echoes Turner's (1997) concern about "genetic essentialism" in media discussions of cloning – the failure to adequately communicate that many factors besides genetics influence who a person becomes.

The tendency toward the extreme, dramatic case – also shown in the use of images of Hitler and the "Boys from Brazil" -- may stem from the inclination of television news to immediacy and the language of spectacles. While these words and images do highlight the ethical concerns in a general way, there appears to be a cost to this approach from the standpoint of public understanding and discussion. As Craig (1997) noted in discussing coverage of genetic testing, proper portrayal of the scientific foundation for a topic is important for good ethical decision-making. Imagery borrowed from movies might have a short-lived theatrical stimulation in the minds of spectators, but the nuances of ethical concern may slip away. At the same time,

the ways in which human cloning might one day promote physical, emotional, mental, and spiritual harm – by, for example, leading to discrimination against cloned individuals – seldom come to the public's attention.

The general nature of many of the questions – another weakness in their potential value for public understanding – is somewhat at odds with Hopkins' (1998) findings in his study of cloning coverage, though Hopkins did not focus specifically on the use of questions. Hopkins found that loss of human uniqueness and individuality was one of "three connected worries" (p. 6) that were prominent in the coverage he reviewed. Priest (2001a, 2001b) also noted the emphasis on human individuality at the backdrop of cloning coverage. This concern did not manifest itself in the present study in such a way as to be regarded as an important feature – at least in the questions themselves. This was a result of the fact that interest about cloning often did not cross the boundary of generality, with the pivotal concern placed on whether the introduced cloning method could be used in production of human beings. However, the two other "worries" that Hopkins found were more evident in the present study. For example, "the pathological motivations of anyone who would want to clone" were seen in questions that addressed the possibility that dictators would abuse the practice. In addition, there were concerns that such an attempt would put scientists in jail or lead them to be ostracized by their colleagues. Hopkins' finding of "fear of 'out-of-control' science creating a 'brave new world'" was also evident, largely thanks to the events that followed the introduction of the method, in particular the prompt response of officials to regulate what many people considered a scary practice.

It is also worth noting that the findings of the present study bear out the idea that coverage of cloning treated the discovery as a "scary story" (title of the Freedom Forum panel). The leader in this breakthrough, Ian Wilmut, had also displayed concern about attention to "lurid

science fiction fantasies" (Griffin & Wilmut, 1997, p. 49). The rationale for this lingering pattern might be found in the natural reaction of humans toward the ambiguous. Novel practices such as cloning do not provide many satisfying answers that would define the unknown and squelch the mere imagination. The networks' coverage of cloning seemed to thrive on this ambiguity.

This study contributes to scholarly understanding of ethics coverage by adding to the limited literature on portrayals of cloning as well as other bioethical topics. In particular, it agrees with previous studies of coverage of genetic testing (Craig, 1998, 2000b) and physician-assisted suicide (Craig, 2000a) in finding that questions can be important carriers of ethical content in news coverage. Further studies could examine use of questions in coverage of other topics related to medicine and science, business, government, or journalism itself – in keeping with Craig's (1999) suggestion of research on ethics coverage across a variety of topics. In addition, in light of the recent announcement of efforts toward human cloning, analysis of portrayal of ethics in the developing coverage in this area would be fruitful. This research might include the analysis of reaction to human cloning itself if it happens – particularly analysis of whether questions shift in ethical content or become more specific.

This study also points to a place for research that connects ethical theory with media framing theory in analyses of ethics coverage. A large body of literature has addressed how the media frame issues for the public. Among these studies, numerous analyses have touched implicitly on ethics coverage by examining moral and value framing. These studies have included analyses of specific areas of coverage such as nuclear power (Gamson & Modigliani, 1989) and abortion (Ball-Rokeach et al., 1990) and assessments linking media framing to voter decision-making (Shah et al., 1996; Shah et al., 1997; Domke et al., 1998). In addition, some studies have discussed frames that connect with concerns of ethical theory evident in the present

study, although these other studies did not make the connection to ethical theory. Valkenburg et al. (1999), pointing to four news frames that emerge from the literature, note the responsibility frame – which relates to the ethical notion of duty – and to the economic consequences frame – which connects to the notion of benefits or harms in consequentialist ethics. A third frame they cite, human interest, is relevant to the ethical duty of concern for human needs, also at the backdrop of the current study. An earlier study of news coverage of several topics (Neuman et al., 1992) referred to a human impact frame and also to another frame that connects even more directly to ethics: moral values. These analyses, however, are not themselves explicitly grounded in the concerns of ethical theory, while the present study is not systematically grounded in framing theory. Further research could strive to systematically assess ethics coverage from the standpoint of both framing theory and ethical theory.

From the standpoint of journalistic practice, improvements in coverage of complex ethical topics such as cloning rest partly with the ability to go beyond the constraints of brevity inherent in network TV news formats, though the networks should be credited for giving the coverage as much air time as they did. The possibility for improvement also lies in the ability of TV journalists themselves to pursue deeper understanding of the ethical duties and consequences of cloning or other topics, enabling them to clearly and thoroughly frame the issues for the public and, it is hoped, initiate public debate. This depth of understanding may also prevent journalists in the future from coming to treat cloning as a commonplace issue without serious ethical implications. It also may help them to continue pointing the public to concerns about how such a practice is not merely a potential research wonder but also an issue that raises serious matters of one's duties as a human being.

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[1] Although some of the segments followed one another directly within a newscast, the total number considers pieces by different reporters, or other segments introduced separately by the anchor, to be separate pieces.

[2] The definitions, from Craig (2000a), were as follows:

•Duties: Words, phrases or sentences that make general reference to duty or obligation, or right or wrong, or state or imply specific duties not among the four specific ones listed.

•Faithfulness to commitments: Words, phrases or sentences that state or imply an obligation, responsibility or commitment to act in an ongoing, even long-term, way in the interest of another person or group of persons. This definition reflects a synthesis of the perspectives of Ramsey (1950, 1970) and May (1991).

•Sensitivity to human needs: Words, phrases or sentences that state or imply concrete needs of individuals or groups of individuals, or the planned or actual meeting of those needs, or failure to meet those needs. This, too, is grounded in the work of Ramsey (1950, 1970) and May (1991).

•Sensitivity to autonomy of parties: Words, phrases or sentences that state or imply respect for the free choice or action of a person or group of persons -- or lack of respect for, or

interference with, free choice or action by others or through personal limitations, such as inadequate understanding. This is based on the definition of autonomy Beauchamp and Childress (1994).

•Sensitivity to justice: Words, phrases or sentences that state or imply fair, equitable and appropriate treatment of individuals or groups of people in light of what is due or owed to them or to others, or respect for this kind of treatment -- or the lack of fair, equitable and appropriate treatment of individuals or groups of people in light of what is due or owed to them or to others, or respect for this kind of treatment. This is based on Beauchamp and Childress's (1994) definition of justice.

•Consequences: Words, phrases or sentences that make general reference to results, or state or imply specific actual or potential results of a decision, policy or action that are not clearly tied to benefits or harms.

•Benefits: Words, phrases or sentences that state or imply actual or potential positive results of a decision, policy or action -- results that would promote real or perceived physical, emotional, mental or spiritual well-being; accomplish real or perceived social or ethical good; or avoid or reduce real or perceived harm.

•Harms: Words, phrases or sentences that state or imply real or potential negative results of a decision, policy or action -- results that would cause physical injury or suffering; real or perceived emotional, mental or spiritual duress; or real or perceived social or ethical problems.

[3] The second author was the primary coder; the first author checked the coding against his own interpretation of the stories. However, in keeping with a qualitative approach, no formal reliability tests were performed.

Media Ethics

Privacy and the pack: Ethical considerations faced by local papers covering the JFK Jr. plane crash

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Local journalists covering the deaths of John F. Kennedy Jr., Carolyn Kennedy and Lauren Bessette dealt with at least three ethical dilemmas. The first issue was that of invading the private lives of a very public family through the use of anonymous sources and photographs taken with telephoto lenses. Reporters also had to consider accuracy and invasion of privacy in the use of anonymous sources. The third dilemma deals with how increased competition would affect the ethical decision-making of the local journalists covering a story being reported all over the globe.

John F. Kennedy Jr. and his wife Carolyn were flying from New York to Martha's Vineyard on July 16, 1999, to drop off her sister Lauren Bessette before they were to join the rest of the Kennedy clan for his cousin Rory's wedding the next day. When it was discovered that Kennedy's plane failed to arrive at Martha's Vineyard airport that evening, a massive week-long search and recovery mission would begin off the shores of Cape Cod. That was also the start of an equally massive media onslaught of more than 1,000 journalists from throughout the world descending on Cape Cod.

That onslaught provided additional fuel for a competitive fire that already exists between the three major dailies sold on Cape Cod, the *Cape Cod Times*, the *Boston Globe* and the *Boston Herald*. Through a content analysis of all three newspapers during the week of July 17, 1999, to July 24, 1999, and interviews with the editors who made the decisions at those papers, the author of this paper explores what ethical considerations came into play in those newsrooms that week.

As the only daily newspaper with offices on Cape Cod, the air of increased competition enveloped the *Cape Cod Times* newsroom upon the announcement of the

JFK Jr. tragedy. "This is our backyard. We must be the paper of record on this," *Cape Cod Times* editor Cliff Schechtman told his staff on that first weekend.

Over at the *Boston Globe*, while the editor there made no such announcement, he later said the sense of competition always plays a role in coverage.

"Every story is competitive. First and foremost, we want to do a good job on our own terms, and various decisions we made reflected that," *Globe* editor Matthew Storin said in a personal correspondence. "There were no unusual conversations about any of this. We were too busy. And this is what we do for a living. No need to have special talks about it."

That was also pretty much the sentiment across town at the *Boston Herald* where Jim MacLaughlin, the paper's deputy managing editor/news, said he didn't recall any specific discussions about the ethics of the situation or heightened competition. He says:

> It should be noted that we are in a highly competitive situation every single day -- Boston is one of very few cities that still has at least two independent daily newspapers --so *Herald* reporters know that the *Globe* is out there and they're routinely expected to get the story, get it right, and, hopefully, get it first. While the *Globe* is our main concern, we'd be fools to ignore the *Cape Cod Times* -- it's their backyard, after all -- and the broadcast media. (McLaughlin, 2000)

The coverage of the JFK Jr. plane crash was indicative of the problems encountered in covering celebrities but it in no way did it break new ground. The coverage of O.J. Simpson, Princess Diana, Tonya Harding, Richard Jewell, Arthur Ashe and even Marv Albert all touched on some of the issues encountered during that week on Cape Cod. In all of these cases, the media had to deal with what constitutes an invasion of privacy, when do you allow sources to remain anonymous and how do you deal with "the pack" in competitive newsgathering situations.

I Invasion of Privacy

Walter V. Robinson, a managing editor at the *Boston Globe*, notes in a personal correspondence that "there is no more public family in the country than the Kennedy family." Yet, even the Kennedys demand some level of privacy.

Caroline Kennedy, the daughter of the president and sister to John F. Kennedy Jr., co-authored "The Right to Privacy" in 1995 with Ellen Alderman. Although the book dealt with legal cases of an issue that was obviously very close to her, most of the case studies in the book dealt with private individuals. (Kennedy and Alderman, 1995)

Bok's decription of privacy as "a large area of each person's life is clearly his to keep as secret as he wishes ... personal concerns and liberty not to be tampered with" (Bok, 1999, pp.150-151) is a suitable framework for this discussion. Using philosopher Louis D. Hodges concept of expanding circles of intimacy, Patterson and Wilkins consider privacy as "control over who has access to your various circles of intimacy." (Patterson and Wilkins, 1994, p.115) Furthermore, they define an invasion of privacy as "when your control over your own circles of intimacy is wrestled from you by people or institutions." (Patterson and Wilkins, 1994, p.115)

The question arises as to how much privacy is owed to public officials and celebrities who thrust themselves into the limelight as the Kennedys have done.

Sieb and Fitzpatrick use the 1992 case of *USA Today* essentially forcing Arthur Ashe to disclose that he had AIDS before he was prepared to make such an announcement to illustrate the issue of invading the privacy of public figures.

> People who thrust themselves into public view – such as political candidates, entertainers and professional athletes – are generally assumed to have waived some of their privacy rights. After all, the reasoning goes, their livelihood depends in large part on their visibility. They know that, and because they benefit

> from news coverage they should not be expected to control that coverage. (Seib and Fitzpatrick, 1997, p. 81)

Yet the argument can be made as to whether the majority of the Kennedys *DO* benefit from news coverage. It is certainly beneficial to Sen. Edward Kennedy and Rep. Patrick Kennedy as politicians and Maria Shriver and her husband Arnold Schwarzenegger as television and film personalities. But then there are other members of the family, such as Caroline Kennedy Schlossberg, who shy away from the cameras. Kennedy Schlossberg uses her celebrity status sparingly, only for such events as the Profiles in Courage awards or the dedication of the John F. Kennedy School of Government at Harvard University in 1978.

Kennedy Schlossberg, carries on the tradition of her mother, Jacqueline Kennedy Onassis, who Carol Reuss describes as a private person despite her celebrity.

> She (Kennedy Onassis) determined, though, that she and her children deserved privacy and she was persistent in protecting it. She developed what one reporter called "a passion for privacy" and defended it for years, with every means at her disposal, including lawsuits. Major media players, many of whom had covered the White House, began to respect her wishes. Reporters often knew about her activities but didn't report them. They continued that reserve in their coverage of her final illness and death, even though millions of people probably wanted to know as many details as possible. Her legacy is that privacy is possible in a very public media world. (Reuss, 1996, p. 167)

Kennedy Schlossberg carried on that legacy during the week of the search for, and later funerals for, her brother and the Bessette sisters. She kept her family away from the Kennedy Compound and the Martha's Vineyard house she and JFK Jr. co-inherited from their mother, avoiding the media throngs gathered at both locations. Yet, when she emerged from seclusion for a bike ride with her husband and to play basketball with her son Jack on Tuesday, July 20, photographers from the *New York Post* and the Associated Press captured the moments.

The front page of the next day's *Globe* and Page 5 of the *Herald* each had the cycling photo, while Page A5 of the *Cape Cod Times* had the Associated Press photo of her playing basketball with her son.

"It is our experience that the Kennedys – with rare exception – accept that they are public figures and expect no privacy," Storin said. "Though there are limits even with that situation, we did not by and large hold back. I thought we had great photos. We would draw the line at close photos of children in that situation."

If one takes Breckenridge's definition of privacy in "The Right to Privacy" as a "right to withdraw or participate as he sees fit," one might conclude that the cycling photos were not an invasion of privacy. As Breckenridge further stipulates "It is also that individual's right to control dissemination of information about himself, it is his own personal possession." (Breckinridge, 1980) In this sense, since Arthur Ashe did not determine "the time, place, and circumstances" under which to announce that he had AIDS, it can be argued that his privacy was invaded. Furthermore, while the Schlossbergs were very aware that they would be photographed on their bike ride, that would not be considered an invasion of privacy under the definitions of Breckenridge or Patterson and Wilkins because the couple retained "control" over when they would be photographed. However, because the photo of Kennedy Schlossberg playing basketball with her son was taken through some trees with a telephoto lens and without Schlossberg's knowledge, it could be argued that she was not in control of the situation and therefore the photo was an invasion of privacy.

Cape Cod Times photo editor Arnold Miller said both photos were sized the same and designated for the same page, indicating that a page designer or wire editor decided

which photo to run. Miller and the *Times'* news editor later agreed that if the option had been theirs, the cycling photo would have been used because the means of taking the basketball photo were questionable -- and the cycling shot was simply a better photo.

In regard to the basketball photo taken in the backyard, in a personal correspondence Miller argues: "Did they have a legal expectation of privacy at that point? You could argue that, yes, they did."

Still, it is highly unlikely that Kennedy Schlossberg would ever sue over the issue because as she wrote in 1995: "By definition, information about much of a celebrity's life is deemed to be 'newsworthy' and therefore protected by the First Amendment." (Kennedy and Alderman, 1995, p. 221) However, just because the press is protected legally, is there truly a need for the public to have such access into the Kennedys' lives?

Andy Gully, managing editor of the *Herald*, said he demands his reporters and photographers don't break the law when it comes to privacy. But ethical decisions regarding privacy are made on a case-by-case basis. But when it comes to the Kennedys, the ethical line of what constitutes an invasion of privacy is drawn differently than it is for other families.

> At the risk of sounding overly crass, there is very little line left for a family like the Kennedys. They are as public as it gets in this country. So almost -- but not everything -- is within the line. We pushed right up to that point. It's hard to maintain any privacy when CNN and MSNBC have a lens on you all day and night. I don't envy any public person caught in a tornado of coverage like this. But that's the reality of the 24-hour news cycle. (Gully, 2000)

Many journalists, including Storin, point to reader interest regarding how intensely a story is covered. "In a sense, of course the story was overblown by all of us. JFK Jr. was a former assistant district attorney and editor of a barely successful magazine. But he was a figure of great interest to the public," Storin said. "Maybe folks don't want to admit it,

but they were lapping it up. If papers weren't flying off the shelves, we would not have done as much."

In a study of newspaper reporting on the private lives of candidates, Garrison and Splichal find that editors coverage of candidates' private lives mirrors the public interest, basically giving readers what they want.

> Perception of readers' interests is an important component of editorial judgment – the evaluative process that molds the content of newspapers. In this study, editors – more than 90 percent of them – said they believed their readers were at least somewhat interested in the intimate affairs of public people. (Garrison and Splichal, 1994, pp.169-183)

But there are differences among the people's *right* to know, their *need* to know and their *want* to know. Patterson and Wilkins make the point that the right to know is a legal distinction, whereas need to know and want to know fall more under the caveat of ethical distinctions.

> When an argument is framed in terms of right to know, it reduces the journalist to ethical legalism: I will do precisely what the law allows. When an argument is framed in terms of need to know, however, it means that counterbalancing forces have been weighed and that bringing the information to light is still the most ethical act. ... Finally, there is the issue of want to know, which speaks to the curious human being in all of us. Want to know is the least ethically compelling rationale for acquiring information and disseminating it. We all want to know a lot of things ... But, while we may want that information, we don't really need it." (Patterson and Wilkins, 1994, p. 117)

Essentially all of the stories on the JFK Jr. plane crash fell into that "want to know" category, with the possible exception being on stories regarding the government's investment in the recovery efforts and the FAA's delay in responding to the report of the missing plane. One could argue that taxpayers need to know how their money is being spent and private pilots and their passengers need to know how the FAA handles reports of missing planes. The rest of the stories about the Kennedy family, details on the crash

and recovery efforts (95 percent of the stories) were just interesting tidbits, which served little purpose other than to provide fodder for small talk.

During the week, all three newspapers ran very similar photographs of the Kennedy family sharing their grief. Early in the week, the *Globe* and the *Times* snapped photos of family members walking on their beach and returning from a boating trip. The *Herald* ran those shots as well, but also ran a photo of former Rep. Joseph Kennedy hugging a relative under what was supposed to be Rory Kennedy's wedding tent.

One could argue that this photo is a clear invasion of privacy because the Kennedys were definitely not able to control whether this private moment was shared with the public. Although similar photos of the Kennedys walking on the beach were less intrusive, it could be argued that these also stepped over the privacy line. Even if the photographers stayed outside the boundary line, thereby obeying trespass laws, they had the control over the publication of those images.

Yet, *Times* photo editor Arnold Miller takes the "right to know" perspective and points out that at no time did any of his photographers break any laws in pursuing their shots.

> All of our shots were taken with extreme telephoto lenses, so the family was not even aware that they were being photographed, so at the time one could argue that there was no invasion of privacy. After publication, the usual standards could be looked at. Were they in a public area? Yes. Was the photographer breaking any laws – trespass -- by capturing the image? No. Whilst I personally would not like to be in their shoes, the family did have a secure compound to retreat to, and thus I truly feel that the family's privacy was not invaded. (Miller, 2000)

Miller cites Supreme Court rulings that favor his position, saying "my ethics follow the legal guidelines."

Times managing editor Alicia Blaisdell-Bannon also did not consider any of the photos to be invasive but had different reasons. "I don't consider photos of this nature of a

very public family and a very public event to be an invasion of privacy. This is the price of fame, of being in the public eye and reaping the advantages of that position," she said.

Globe metro editor Peter Canellos also felt the photos on the beach were not an invasion of privacy but he justifies his argument by saying the Kennedys were in control of the situation.

"I think they knew the photographers were on the beach and those family members like Rory and her husband went for a walk on the beach knowing they were being photographed. Other more private Kennedys, such as Ethel, stayed inside," Canellos said.

The other two incidents in which it could be argued that the Kennedys' privacy was invaded were when photographs were taken of the family bringing the bodies back from the crash site and, the next day's photos of the family participating in the burial at sea.

On the day the bodies were brought ashore at Woods Hole, the Kennedys tried to distract the press through reports that the bodies were being brought into another port. Still, photographers from all three newspapers captured the moment.

Canellos said that *Globe* reporters had been in contact with the Kennedy family and he believes the family didn't have a problem with those photos being shot despite the appearance that they were attempting to avoid the papparazzi,

"It is a poignant moment that would not trouble the Kennedys to see in print," Canellos said. "The word from the Kennedy family was that they were very appreciative of the *Globe*'s coverage."

MacLaughlin also believes the Kennedys were not surprised by the coverage. "We certainly expected the Kennedys to do what they needed to do to grieve in private, and I

believe they expected us to do what we had to do to get the pictures, boorish and insensitive behavior notwithstanding," MacLaughlin said.

Blaisdell-Bannon expressed a similar sentiment. "I think it's the Kennedy family's right to try to control the press; it's our responsibility to resist that control," she said.

Storin looks at the coverage that week and says there was an invasion of privacy but that it was justified.

> Our policy on photos is, as stated above, to avoid closeups of grieving relatives unless the deceased is a public figure of high fame. I think this case applied. That said, yes, we the media invaded their privacy, but this is a family that has welcomed coverage of their private lives to a certain extent. I know this from personal experience. There are numerous occasions when Kennedys could avoid, e.g. at Hyannisport, tabloid cameras and yet they put themselves knowingly in a position to be photographed. They, at least some of them, encourage the cult of celebrity. If we were talking about the relatives of the Worcester firefighters who died a year ago, our coverage would be -- and was -- considerably more restrained. At least the *Globe*'s was. (Storin, 2000)

The *Herald*'s unwritten policy is less restrictive. "We follow the laws of the Commonwealth of Massachusetts regarding trespassing and use common sense and common decency," Gully said. "It's on a case-by-case basis."

The *Times* does not have a written policy on the privacy issue but Blaisdell-Bannon says "Of course we don't encourage the invasion of privacy of private citizens," adding that "the Kennedys, however, are not private citizens."

This of course leads to who benefited from the photos that were published versus who was hurt. If the Kennedys felt their privacy was indeed invaded, then it could be argued that they were the injured party. As for who was served by the photos, MacLaughlin from the *Herald* makes the following assessment.

> As for who benefited, that's a hard question to answer. Certainly those who like to lift the curtain on other people's lives found some satisfaction in seeing the Kennedy grief once again. There are also, I would suggest, those who look for example in the dignity of the Kennedys. And then, of course, the media benefited because readership and viewership went up during that awful week.

> We didn't run those pictures to get a bump in circulation, but we knew people would want to read the stories and see the photos. Most of us cannot avoid looking at the crash scene. (McLaughlin, 2000)

If John Rawls's Veil of Ignorance – putting one in the position of the weakest party – were to be applied to the scenario during that week in July of 1999, it could be argued that while Gully, Miller, Blaisdell-Bannon and Storin were all empathetic to what the Kennedys were going through, none based their decisions on how those decisions affected the Kennedys. Frankly, neither did Canellos, MacLaughlin or the *Times* news editor. If the editors had emerged from the veil in the position of the Kennedys they would have granted them a great deal more privacy. To adapt the example of Christians et. al: If I emerge from the veil as a ***grieving Kennedy*** rather than as a ***journalist with Cape Cod's biggest story of the year***, I will opt for fair treatment of the former. (Christians, et. al., 1998, p. 16)

However, one could apply John Stuart Mill's utilitarian principle of "seeking the greatest happiness for the greatest number." (Christians, et. al., 1998, p. 14) In that case, Blaisdell-Bannon argues: "Here's how our coverage served the greater good: It kept readers informed. It made our readers part of a greater community in grief. It bound us all together in a terrible tragedy."

Miller adds: "Our readers got to see the efforts under way for the search, and eventual recovery. They also were able to experience, through our photography, the emotions and healing process for the Kennedy family."

The arguments by both *Times* editors also have an air of communitarianism to them. They were providing information so the community could share in the grieving process.

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II Use of anonymous sources

The use of anonymous sources has been an issue even before the days when Bob Woodward and Carl Bernstein used a source known only as "Deep Throat" to topple a presidency. After the pair had conflicting reports from two anonymous sources in their coverage of the Watergate saga, the *Washington Post* developed a policy that there must be at least two sources for allegations made by anonymous sources.

> Gradually, an unwritten rule was evolving: Unless two sources confirmed a charge involving activity likely to be considered criminal, the specific allegation was not used in the paper. (Bernstein and Woodward, 1974, p. 79)

Since that time, Woodward's dependence on anonymous sources has become legendary.

> Woodward's willingness to let sources go "off the record" is well known in Washington, D.C. Sources he consults on a regular basis know that, when Woodward is doing the interview, they will not be named in the resulting stories. Woodward's reliance on anonymous sources is compounded by his writing style. He writes almost entirely omnisciently, without attribution. (Weinberg, 1994, p. 45)

Weinberg adds that Woodward is unfazed by questioning of his methods, trusting "readers to distinguish between valid and invalid information." (Weinberg, 1994, p. 45)

The use of anonymous sources not only introduces the issue of the newspaper's credibility but in many cases, it opens the paper up to problems with accuracy.

> Whenever a journalist uses information from an unidentified source, the news consumer is being deprived of the ability to make an independent judgment about the information's credibility. The journalist is saying, "You don't need to know who this is. Trust me; I've checked out the source's reliability."
>
> Lots of news consumers quite rightly don't want to turn over total evaluation of information to journalists. They want to make up their own minds, and that requires knowing where the information came from. (Seib and Fitzpatrick, 1997, pp 104-105)

There is also the danger of anonymous sources existing only in the imagination of the reporter. Such a case cost Janet Cooke the Pulitzer Prize in 1981 when she wrote about an 8-year-old heroin addict in a *Post* feature story titled "Jimmy's World." Coincidentally, Woodward was Cooke's editor at the time.

Ben Bradlee, former executive editor of the *Washington Post*, recalls in his memoirs how Cooke fabricated Jimmy and her story was not questioned – despite anonymous sources – until after it won a the Pulitzer and it was revealed she had lied about her credentials to get the *Post* job. (Bradlee, 1995) That revelation led to the *Post* questioning the sources for Cooke's story and an embarrassing moment for the *Post*. Bradlee tells of several lessons he learned from the incident, including "Beware of stories you want to be true, for whatever reason. And beware the culture that allows unknown sources to be accepted too easily." (Bradlee, 1995, p. 448) In a memo to publisher Don Graham, Bradlee wrote:

> The source of information is a critically important part of any story. It gives readers the chance to decide for themselves what motives an informant may have for making information public. Accordingly, every effort must be made routinely to get information on the record with specific identification of the source.
>
> It is recognized, however, that valid reasons will exist for some source identification (to be) less than specific. In those circumstances, every effort must be made to give as precise an identification of the source as possible. (Bradlee, 1995, p.450)

Even when a reporter is being honest about the information they received from an informant, there is a danger in trusting that anonymous source. The Atlanta *Journal-Constitution* discovered this in its coverage of Richard Jewell, a security guard at Centennial Park during the Oympic Games in Atlanta. Jewell discovered a backpack containing a bomb and was initially a hero for moving the crowd away from the bomb just minutes before it exploded. (Black and Barney, 1999) But then, an FBI source told

the *Journal-Constitution* reporter that Jewell was a suspect in the bombing. That unnamed source caused Jewell and the media a lot of trouble. The reporter thought he was getting reliable information from a reputable source, but when Jewell was cleared many media organizations apologized and some even paid Jewell a cash settlement.

The Jewell example is indicative of why, as Smith notes, most editors are reluctant to use unnamed sources.

> They fear (1) that too many reporters are using unnamed sources just because they are too lazy to find on-the-record sources, (2) that there is too great a risk of reporters making up things and passing them off as comments by unnamed sources, and (3) that information from unnamed sources is often either inaccurate or self-serving. (Smith, 1999)

The editors at the *Globe* learned lesson number two when dealing with *Globe* columnists Mike Barnicle and Patricia Smith, both of whom were accused of fabricating sources for their columns. Both columnists have since left the *Globe*, and now the paper is particularly careful about its use of unnamed sources because the editors do not want to relive that dark chapter in the reputable newspaper's history. "We have specific guidelines on the use of unnamed sources, and they have been clarified and updated since the Smith/Barnicle misfortunes," Robinson said. The policy, Storin says, is basically:

> Everyone understands or should understand that we want on-the-record information and will use unnamed sources only after trying to get stuff on the record. In a major story like this, some officials set forth a standard ground rule that they will not be quoted and everyone agrees to it. Each reporter is supposed to be asked who his or her source is by the supervising editor. (Storin, 2000)

While the *Globe* has a written policy on the use of unnamed sources, the *Herald* and the *Times* do not, but Gully and Blaisdell-Bannon describe their papers' respective policies.

> (Gully on the *Herald* policy, 2000) In general, we discourage overuse of unnamed sources. Whenever possible, people quoted in stories should be named and their affiliation stated. It's important to put people in any story in context, and clearly identifying them helps do that. That said, this is a competitive town

> and that forces the use of unnamed sources. We also cover several areas -- from the City of Boston, to the FBI to the Turnpike Authority to the corporate world -- - where top officials muzzle employees. The only way to get news in to protect sources. So, in short, unnamed sources are a fact of life in those areas of coverage. It's a matter of trust with the reporter and his/her editor. On major stories with great risk, the use of those sources will be discussed with department heads, the managing editor and at times, the editor.
>
> (Blaisdell-Bannon on the *Times* policy, 2000) We try not to use unnamed sources often; when we do, we decide on a case-by-case basis. I don't think any of the stories from the JFK Jr. coverage suffered from our use of unnamed sources.

Actually, while reporters covering the JFK Jr, crash for all three papers had a sprinkling of unnamed sources included in their reports, to date it appears all the information was accurate. However, the same could not be said for television reports. On the first day, many stations reported there were four passengers, that the plane went down off Long Island and several other false details offered by unidentified sources.

Dirk Smillie notes two other instances where television networks trusted reporters using unnamed sources only to discover the information was false.

> Three days after Kennedy's plane disappeared, all-news channel MSNBC bulletined that the wreckage had been found. It hadn't. It would be another two days before the plane was actually located.
>
> As a commentator for NBC News, Barnicle reported that Sen. Edward Kennedy, D.-Mass., took a midnight sail to console himself over the tragedy. The story later proved false. (Smillie, 1999)

One example of the *Times*' use of anonymous sources was in the case of the *Times* story on the registration washing up on John F. Kennedy Jr.'s own beach. In that instance, Schechtman, Blaisdell-Bannon and the news editor discussed the issue of the credibility of a single unnamed source. When reporters Karen Jeffrey and Paula Peters were able to confirm the information from four different credible witnesses, the *Times* ran

with the story. Similar scrutiny was shown to a *Times* story about the condition of the plane's engine.

Still, the *Times* relied on unnamed sources less than the other two newspapers. In the first five days of coverage, the *Times* had 15 references to unnamed sources, such as "Kennedy family members," "investigators," "a source familiar with the aircraft," "officials familiar with underwater recovery of plane wreckage," "a source," "state and local sources," "an elderly woman in a white convertible," "one motorist in a pickup truck," "a West Dennis summer resident who declined to identify herself," "federal officials with the National Transportation Safety Board," "reports," "a Massachusetts man who didn't want to be identified," "another private pilot," and "a Coast Guard official speaking on condition of anonymity."

Blaisdell-Bannon said she didn't believe the use of unnamed sources in these cases hurt the paper's credibility or put it in danger of having to defend inaccurate information.

> It's always better to use named sources; unnamed sources always take away some credibility of the information being published. But we don't use them so often at the *Times* that the reader would think, "Oh, sure, another anonymous source." I think readers generally trust that the information is accurate. (Blaisdell-Bannon, 2000)

In that same period, the *Globe* attributed information to 28 unnamed sources, including "an FAA source," "a high-ranking federal transportation official," "federal safety investigators," "an official with the NTSB," "federal investigators," "neighbors," "a business associate in Canada," "one analyst who asked not to be identified," "a former staff member for (George) magazine," "a highly placed federal aviation source familiar with the investigation," "a spokeswoman," "search coordinators," "officials at Harvard," "associates," "sources," "the friend who spoke on condition of anonymity," "the search

team" "a source familiar with the investigation," "search coordinators," "sources within the FAA," "high-ranking FAA officials," "FAA officials" and simply "officials."

Canellos said there were other uses of unnamed sources, such as reporters who spoke to divers in a bar, that he and other editors decided not to run.

The *Herald* led the trio in its use of anonymous sources with 41 cases, including "one Kennedy family source at the compound," "team members," "one congressman requesting anonymity," "the limousine driver who drove them to the airport," "FAA officials," "the vacationing father from New York," "a fellow golfer," "one high-ranking state police official," "sources close to the investigation," "the Herald has learned," and a couple references in a gossip column that just quoted "our spy."

MacLaughlin, the deputy managing editor/news at the *Herald*, defended the use of anonymous sources by pointing out that the information has turned out to be accurate in all cases, so the paper's use of the unnamed sources didn't hurt the paper's credibility.

"In general, it often comes down to a matter of trust. Do we trust the reporter and the source? As for affecting our credibility, I think readers accept sources unless we repeatedly get it wrong. We didn't get it wrong," he said, referring to the facts in the paper's coverage of the Kennedys that week.

If we apply Immanuel Kant's Categorical Imperative that the choices on makes for oneself should become a universal law, then everyone should be treated the same. In this case, either name everyone or don't name anyone. However, Kant's "realm of ends" says we should not treat others simply as tools or instruments to our own end. Since every person should be treated as an end in to themselves, the newspapers actually did the right thing in protecting the identities of the sources. Since the reporters kept their promises

not to name the sources and the papers provided their readers with the truth, one could argue Kant would support the use of anonymous sources in this case.

Although none of the revelations provided by anonymous sources matched the allegations of sexual misconduct made by the unidentified women in the case in which accusations were made against Brock Adams without naming his accusers, an ethical analysis of using unnamed sources in that case can be applied here.

> Allowing Adams's accusers to remain off the record did not substantially diminish the overall credibility of the report or the paper itself. It had the further advantage of allowing readers some insight into the difficult decisions journalists must make when reporting the private activities of public figures. (Wilkins, 1994, pp. 157-168)

From a communitarian standpoint, the editors were all attempting to share information with the community while also allowing members of the community to retain their anonymity and participate in the coverage. While the community does not get to assess the credibility of the sources, it's important to acknowledge that those sources are also members of the community.

Because the information turned out to be accurate in all cases, a utilitarian would argue the editors sought the "greatest happiness for the greatest number" because it provided the readership with information it sought while not causing any harm to the Kennedy family or the government agencies. The two other choices would be to not provide the information, which would not serve the readers, or print the source's names and affiliations. While this would allow the readers to assess the credibility of the sources, it might also damage the relationship between the source and the Kennedy family or the agency for which the source works. That would not benefit the source, the family or the papers' readerships. No matter what the editors' reasoning was, the use of unnamed sources in this case is ethically defensible.

III The issue of competition

> Everybody denounces pack journalism, including the men who form the pack. Any self-respecting journalist would sooner endorse incest than come out in favor of pack journalism. It is is the classic villain of any campaign year. Many reporters and journalism professionals blame it for everything that is shallow, obvious, meretricious, misleading or dull in American campaign coverage. (Crouse, 1973, p. 8)

It wasn't a campaign year, but make no mistake about it, the pack arrived at the entrance to the Kennedy compound within hours of the revelation that JFK Jr.'s plane was missing. By Sunday afternoon, hundreds of journalists had gathered at the Kennedy Compound. There were more than 1,000 journalists gathered on Cape Cod and Martha's Vineyard during that week.

John Painter's description of the media frenzy during the Tonya Harding-Nancy Kerrigan assault scandal is similar to the scene in Hyannisport five years later.

> The Oregonian had the home-court advantage – the source and knowledge of the lay of the land – so most of the other reporters, with a few exceptions, were reduced to chasing rumor and innuendo, reporting speculation or parroting The Oregonian. The normal reluctance to pass along gossip or conjecture all but disappeared ...
>
> ... So the media went bottom fishing, seeking out friends, relatives, ex-boyfriends, school chums, former teachers, childhood playmates and neighbors. They poked through driving records, checked for criminal rapsheets, inspected gun purchases and looked at any other official or semi-official document they could lay their hands on. (Painter, 1994, pp. 29-35)

Compare that with Smillie's description of the coverage following the JFK Jr. crash.

> Sociologists, psychologists, historians, aviation experts, political scientists, and those who bumped into JFK Jr. in an elevator converged in a haze of speculation. (Smillie, 1999, p.10)

While the Times, Globe and Herald each felt compelled to have reporters join the pack, either at NTSB press conferences or outside the Kennedy compound, each paper

sent many more reporters out away from the pack in order to avoid what Seib and Fitzpatrick describe as "the sameness" of pack journalism.

> It is the way the pack works that affects the product that the news consumer receives. The issue is sameness – the dominance of a conventional wisdom within the pack that is easy to subscribe to and that smothers initiative. ... Reporters' reliance on the pack's collective thesis limits the range of ideas presented to the public. (Seib and Fitzpatrick, 1997, 132-134)

Blaisdell-Bannon recalls:

> We couldn't always avoid being part of the pack -- being at group press conferences, etc. But we tried to mine our own local sources for stories we thought might be off the beaten path -- like a story from local divers saying the Coast Guard should use them, and local fishermen, to hone in on the wreckage because they knew the waters better than outsiders. (Blaisdell-Bannon, 2000)

It was primarily because of the independent news-gathering efforts that the *Times*, *Globe* and *Herald* held the home-court advantage. That may explain why fewer mistakes were made by these local papers than were made by their national competitors. Still, it could be argued the papers fell into what Ehrlich calls a social and cultural competition.

> This is a competition centered around an ethos which holds that it is right and inevitable to measure one's performance consistently against that of others and that one should thrill in victory and agonize in defeat. The competitive ethos helps news workers understand and control their work, but it also contributes to shallow journalism and acts to homogenize rather than diversify the news. (Ehrlich, 1995, pp. 196-212)

Storin said that while the *Globe* dealt with the competition from the other media, his paper tried to take a different approach from what others were offering.

> First and foremost, we want to do a good job on our own terms, and various decisions we made reflected that. You will find there is relatively little coverage about the Kennedy mystique, the general celebrity and gossip that attends to that family etc. Nor a great glorification of John, compared to other media. We did not particularly focus on the *Herald* or the *Times*, but in various ways we feel competitive with both. (Storin, 2000)

At the *Times*, Blaisdell-Bannon recalled that while there was a pressure to "scoop the rest of the media" she didn't make any decisions she would later regret just to beat another paper to the punch.

> We talked about the competition throughout the event and its aftermath. We felt it was our story – we owned a significant part of it, since it happened right off our coast. We wanted to tailor our coverage to areas where we thought we had inside knowledge and inside sources. (Blaisdell-Bannon, 2000)

Miller agreed. "How could we let the *Globe* or the *Herald* get the story, and not us when it is happening in our coverage area? We had to have the story or photo."

But Gully said he didn't want the *Herald* to get beat either, so he was throwing massive resources at the coverage just as the *Times* and *Globe* did.

> The thought was the same as it is every day in this newsroom: Get it first. The pressure was obviously greater because there were thousands of people competing on this, including almost round-the-clock on cable TV. So we were under the gun all day, every day. But this newsroom is great under fire and people responded beautifully. A lot of people on this staff eat up this kind of competition. In that respect, it's fun to compete. (Gully, 2000)

From a utilitarian perspective, it can be argued that the competitive atmosphere among these three papers served the greatest happiness of the greatest number. Because none of the three papers sacrificed accuracy for a need to get the story first, readers gained a greater understanding of what the Kennedys were going through and, as Blaisdell-Bannon put it, were able to mourn *with* the Kennedys.

From a communitarian standpoint the community would have benefited from a sharing of resources and information because then they could get the information from a single news source. But the American press culture differs from the Japanese society of "kisha-kurabu," where journalists share information, and American readers have grown accustomed to competition among media outlets. (Akhavan-Majid, 1990)

Conclusions

In considering whether the local journalists involved were ethical in their coverage of the Kennedy tragedy, one must look at who they were serving with their reports. As mentioned previously, none were applying Rawl's Veil of Ignorance because the concern was not for what it must be like for a Kennedy to endure this onslaught of media. None of the editors in this scenario based their efforts on what it was like for the subject. Despite the arguments presented by Storin and Canellos that the Kennedys did not object to the *Globe*'s coverage, that was not a driving concern in any of the three newsrooms at the time the tragedy was being reported. The pressure was put on photographers to get that personal shot, on reporters to get that inside information and on the editors to think of angles before the news appeared in a competitor's paper. Therefore, in applying Rawls' philosophy all of the local journalists fail the ethics test when it comes to privacy invasion, reliance on anonymous sources and letting competition affect them.

However, from a practical standpoint, it can be argued that it is not the media's role to weigh the effect on the news subject so heavily. All of the editors involved agree that their role was not to serve the Kennedys but to serve their readers. In a utilitarian sense, it can be argued that all three factors – increased competition, use of unnamed sources to present more information and revealing photos – all served "the greatest number." Indeed, some validity can be found the arguments presented by Blaisdell-Bannon and McLaughlin that allowing others the opportunity to share in the Kennedys' grieving process helped the readers in their own healing process.

Applying Kantian philosophy in judging the journalists' behavior, however, is not as clear cut. Increased newsstand sales, awards won by both the *Herald* and the *Times* for

their coverage, and outside media attention and publicity given to the local papers, all indicate that the newspapers gained from this tragedy. Therefore, while it may not have been the editors' intention to use the Kennedys as an instrument to the papers' own ends – even an end as noble as serving the readers' needs – it can be argued that is precisely what happened. In addition, the statements by the editors indicate that Kant's Categorical Imperative does not apply to the Kennedys. They are different from other families because of their prominence and another standard is applied.

However, taking a step away from the philosophers and into the real world, the local journalists examined in this study generally fared better in their ability to ethically justify their decisions. With the exception of some photos, which, it can be argued, invaded the privacy of the Kennedy family, the editors at the papers appear to have applied sound ethical judgments in their decision-making. While the *Globe* is the only paper of the three with written ethical policies, ethical principles were discussed at the other papers as well. The interviews indicate more ethical discussions take place in the *Times* newsroom than in either Boston newsroom, but all appear to consider journalism ethics in their decisions.

The exception to this is that the interviews indicate the photo departments at the papers could benefit from a discussion of privacy issues and the ethics involved, rather than relying on what the law allows. Miller said he met with his staff at the end of each day during the coverage to discuss such issues as privacy invasion, but it's not clear whether enough consideration was given to the perspective of the subject in the photograph. However, that said, it does not appear that any of the photographers at the three papers crossed the boundary of what the industry considers responsible journalism.

But this case study would indicate that competition has an impact on journalists' ethical standards of what is appropriate behavior. Would there be as strong a reliance on unnamed sources or such intimate photographs if one did not feel the breath of competition? There also appears to be a link between the photographs taken and use of and use of unnamed sources. While one can invade a subject's privacy visually, the other does so through informants who don't want the subject to recognize them as the source of the information. This indicates information or emotions the subject does not wish to reveal to the public. Therefore, is it appropriate – or more importantly – is there a need for this information to be passed onto the readers, whether it be by words or photos? Furthermore, is competition and the readers' desire to know – or see – sufficient justification for wrestling control of the subject's privacy away from him or her?

While it is no more possible to erase any mistakes made in the coverage of JFK Jr. plane crash than it is to bring back the three victims of that tragic flight, at least the questions raised in this case study can be applied in other newsrooms. Hopefully, the principles will be discussed – as they appear to have been to some extent in these newsrooms – before the deadline pressure is applied in a similar spot news situation.

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History, Hate and Hegemony:

What's a Journalist To Do?

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Submitted to the Ethics Division
Association for Education in Journalism and Mass Communication
2001 Annual Conference, Washington D.C.

History, Hate and Hegemony:

What's a Journalist To Do?

ABSTRACT

This paper focuses on the distribution of a KKK flier in Columbia, Missouri, as a case study through which to explore the responsibility of journalists confronting the issue of hate speech. It draws on Antonio Gramsci's concept of hegemony, which is contrasted with an ethically-based discussion of the societal impact of hate speech. In an effort to help journalists cover hate without furthering its ends, this paper concludes with some practical advice for journalists that is grounded in communitarian theory and the notion of journalism as a transformational activity.

History, Hate and Hegemony:

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INTRODUCTION: THE CASE

The weekend before Martin Luther King Day, 2001, Ku Klux Klan supporters distributed fliers to homeowners in Columbia, Missouri. An 8 1/2 by 11-inch single sheet of paper, titled "Abolish the King Holiday," was wrapped around sections of old *Columbia Missourian* newspapers. The text and visual material in the flier attempted to connect King to the Communist Party and rejected the establishment of a national holiday in his honor.

Both the television news story on NBC affiliate KOMU, and the newspaper coverage in the *Columbia Missourian*, focused on the use of local newspaper advertising and editorial content as a delivery vehicle for the KKK flyer. The local media connected the incident to a November 2000 promotional campaign by the KKK in Centralia, Missouri, in which fliers were distributed in back issues of the Centralia *Fireside Guard*, the Columbia *Daily Tribune*, and *USA Today*. *Missourian* Circulation Manager Jamie Melchert expressed concern that some citizens might assume that the newspaper, individual advertisers, or delivery personnel were affiliated with the Klan.[1] On the other hand, *Missourian* Managing Editor George Kennedy said that no one would take the flier seriously because everyone considered the KKK a joke.[2]

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This paper focuses on the distribution of a KKK flier in Columbia, Missouri as a case study through which to explore the responsibility of journalists confronting the issue of hate speech. It draws on Antonio Gramsci's concept of hegemony, the domination of a ruling class through the shaping of popular consent, in an attempt to provide a relevant theoretical framework for the assessment of this cultural practice. Our discussion of hegemony is contrasted with an ethically-based discussion of the societal impact of hate speech. In an effort to help journalists cover hate without furthering its ends, this paper concludes with some practical advice for journalists that is grounded in communitarian theory and the notion of journalism as a transformational activity.

By framing the news coverage of the KKK flier as a fair use of newsprint issue, the local media minimized any actual discussion of the flier's contents and may have appeared to give at least tacit support of the Klan. Both the newspaper and television station chose not to address the allegations made by the KKK or to counter those charges in any way. This journalistic unwillingness to directly address controversy is not unique to Missouri. For example, in Spring 2001, the conservative columnist David Horowitz sought to buy advertising space in college newspapers in an attempt to attack the idea of slavery reparations. His advertisement, "Ten reasons why reparations for slavery is a bad idea – and racist too" was rejected for publication by the vast majority of college newspapers. While Horowitz bemoans the misinterpretation of his message and his lack of access to college communities, the newspapers' refusal to run his ad has actually given Horowitz extensive publicity and greater access to the press. While most college newspapers rejected the advertisement because

they felt its message might offend their readers - a laudable effort to avoid furthering hate -- their actions may have also led to misunderstandings about the issue of slavery reparations.[3] As with the Horowitz advertisement, in the King case, the media's lack of discussion and refutation of content might actually contribute to a public misconception about the accuracy of the Klan's charges.

How journalists ultimately balance the twin duties -- do no harm and refute falsehood (an act that may be inferred from the journalistic duty of truthtelling) -- is certain to become more central to professional performance as society becomes more multi-cultural and artists such as Eminen (Martin Mathers) win Grammies and make the news. Likewise, how journalists should deal with hate speech, as distinct from non-grammatical speech, obscenity or vulgarity, is not addressed by the profession's various ethics codes, including the Society for Professional Journalists code of ethics or the code from the Radio and Television News Directors Association. In addition, the American Society of Newspaper Editors ethics code does not address the issue, nor does the ethics code for the National Press Photographers Association. While journalism ethics codes seldom provide clear and explicit guidance on any individual ethical dilemma, their lack of even generalized discussion of hate speech only serves to emphasize the need for clear and consistent reasoning about the issue.

HEGEMONY & RACISM: THE LACK OF COUNTER SPEECH

For Gramsci, hegemony is an active dynamic process that enters all facets of daily life, influencing work, leisure time, and interpersonal relationships, as it impacts creative energies, thoughts, beliefs, and desires. Hegemony involves a

type of power "to frame alternatives and contain opportunities, to win and shape consent, so that the granting of legitimacy to the dominant classes appears not only 'spontaneous,' but natural and normal."[4]

Unlike the Althusserian concept of ideology, which insists that each ruling class imposes a world view on its subordinated classes, hegemony is considered an active, contested, and ongoing social process that must be reproduced and sustained. Hegemony unites the persuasion from above with the consent of those individuals below, as it works to become our common sense through ideology, social activities, and institutional procedures. T.J. Jackson Lears suggests that the hegemonic process does not attempt to brainwash people but instead relies on tendencies in public discourse to make some information and cultural experiences available while suppressing and/or ignoring others.[5]

For example, consider the understanding of the First Amendment articulated by the Klu Klux Klan on their web site:

> Have you noticed who is attempting to destroy the First Amendment? Homosexual groups – minority groups – left wing women's groups – communist groups – Jewish groups. They are, without appology, attempting to silence the protests of the white Christian middle-class. They are quite good at it. All of these anti-Christian groups yield tremendous influence over our governmental leaders and billions are spent to insure that anti-Christian legislation is passed. [6]

The Klan's specific view of freedom of expression clearly excludes a vast majority of the country's population and rejects all opinions that do not reinforce a particular hegemonic view of society.

While hegemonic forces deeply saturate the consciousness of society as a complex combination of internal structures that must be continually renewed, recreated, and defended, Raymond Williams explains that these structures are regularly challenged and may be modified by emergent oppositional and alternative forces within society.[7] Oppositional and alternative conditions emerge within the cultural process from residual and emergent elements that reside along with dominant positions. While residual positions are effectively formed in the past, they remain active in cultural processes of the present, and are incorporated through "reinterpretation, dilution, projection, discriminating inclusion and exclusion."[8] The political sanction of the Martin Luther King holiday represents one such attempt in American culture.

Emergent positions offer new meanings, values, practices, and relationships. Yet, it is sometimes difficult to distinguish between new elements of a dominant culture, and alternative or oppositional elements of a society, because often when alternatives are viewed as oppositional, they are then converted and appropriated by the dominant culture. Williams suggests that to understand the dominant character in a society, it is necessary to remember "that no mode of production, and therefore no dominant social order of society, and therefore no dominant culture, in reality exhausts all human practice, human energy, human intention."[9]

During the past decade, there has been renewed scholarly focus on the question of what constitutes hate speech and how a culture framed by the First Amendment can cope legally and ethically with such a contentious topic. The courts have ruled that hate-based subject matter cannot be restricted because it is deemed offensive to a group of people. In the recent cross-burning decision, *R.A.V. v. City of St. Paul, Minnesota*,[10] the Supreme Court rejected the city's ordinance prohibiting fighting words "that communicate messages of racial, gender, or religious intolerance."[11] The court found that the city ordinance had singled out a group of seemingly offensive words that it considered "obnoxious" rather than "threatening." Since the terms did not constitute a call to action, the court expressed concern that the restriction of these words might ultimately suppress the expression of some ideas. Attempts to ban specific racist, sexist, or homophobic words have also been rejected by the courts.

Scholars informed by critical race theory and ethical analysis have recently developed definitions of hate speech which favor categories that can be subject to argument, analysis, and interpretation. Although it is impossible to summarize the literature of critical race theory for this article, it is important to understand that critical race theory posits that race is *the* most fundamental and inescapable fact of contemporary social life, eclipsing in its influence the impact of both class and gender. Because American culture is built on racial assumptions and biases, critical race theorists assert the impact of race on individual lives and the lives of individuals as they interact with/in groups is literally inescapable and thoroughly profound. What is "obnoxious" to a person of one race, the theory

suggests, may constitute a real threat to others. Some scholars, primarily in sociology and political science, have suggested that the exclusive focus on race by those ascribing to critical race theory is to some extent reductionist; however, even those who find the theory itself contentious have noted that thinking in this way foregrounds race and promotes renewed analysis. Legal scholar Mari Matsuda, intellectually informed by the literature of critical race theory and professionally informed by her representation of a Filipino man living in Hawaii who sued because he believed he had been denied a job as a radio announced by virtue of this accent, realized that definitions of hate speech, grounded exclusively in law, failed to speak to the central issues her client's case raised.

Matsuda et al[12] define hate speech as speech directed against a group that has been historically oppressed. Borrowing from classical ethical theory based on the concept of the autonomous moral actor, rather than legal scholarship, Matsuda explains that hate speech denigrates group members by virtue of affiliation rather than individual distinctiveness. It is the most fundamental sort of assault, a denial of human dignity that each of us possesses solely because we are human. Incorporating the concepts outlined in critical race theory,[13] Matsuda also notes that membership in such vilified groups, encompassing such qualities as race, gender, or ethnicity, needs to be something it is difficult to escape regardless of context. The inability to escape the pejoratives in hate speech, regardless of social or political context, is a distinctive quality that renders hate speech more pernicious and long-lived than other sorts of speech, such as commercial television jingles or political campaign rhetoric. In some situations, for example religious affiliation, escape is difficult even for categories of people for whom distinctions are not readily, visually apparent. Using this line of

reasoning, it is possible to distinguish hate speech from scurrilous attack. Hate speech is consistent in content over time and is focused at groups rather than individuals. Scurrilous attack is more event-centered and specific, although such attacks may, at their core, call on some of the characteristics of hate speech.

It is the persistence of hate that allows Matsuda and others to assert that such speech does real, tangible harm. There is, of course, anecdotal evidence to support these assertions. The dragging death of an African-American man in Texas, the beating death of a gay college student in Wyoming -- these incidents and others suggest that the oft repeated maxim of ' sticks and stones may break my bones, but words can never hurt me," is, and perhaps always has been, naive. Psychologists document real mental and physical injury resulting from being the recipient of sustained prejudice. Such impact is a direct result not only of being unable to escape from hate but also having no venue to effectively respond to it. The law, Matsuda has concluded, is a tool which travels only post hoc and far too seldom to the places where people who are powerless live their lives. She argues that because the law continually proves itself unable to respond proactively to the injuries hate causes, that the solution is a small but significant exception to the First Amendment. This exception outlaws hate speech in much the same manner that the U.S. Supreme Court long ago said Americans were not free to shout "fire" in a crowded theater.[14]

Journalists, of course, are First Amendment bull-dogs. There is a long line of philosophical reasoning[15] to support the position that the remedy for hate speech is more speech, particularly speech that refutes hate or allows viewers and readers to make that refutation for themselves. Robust discourse over time, the argument goes, will reveal hate for what it is. The well-known case of

former Agriculture Secretary Earl Butts is a frequently used example to support this philosophical stance. Butts, a Nixon appointee traveling with the President in the early 1970s, told journalists that African Americans wanted "good pussy, tight shoes, and a warm place to shit." The traditional media cleaned up the quote, changing it to "good sex, comfortable shoes, and a warm place to go to the bathroom." When a reporter for *Rolling Stone* published the unexpurgated version of the comment, Butts was forced to resign, and more traditional journalists began to rethink their decisions about using language that might offend readers but was truthfully telling about the psyche of person quoted.

Hate speech continues to make journalists uneasy, and many turn to ethical reasoning to support a type of self restraint that Matsuda would codify. Chief among the reasons journalists often give for failing to republish and broadcast the claims and specific language of hate speech is the ethical prohibition against doing harm.[16]

> As much as one may try to resist a piece of hate propaganda, the effect on one's self-esteem and sense of personal security is devastating. To be hated, despised, and alone is the ultimate fear of all human beings. However irrational racist speech may be, it hits right at the emotional place where we feel the most pain. The aloneness comes not only from the hate message itself, but also from the government response of tolerance.[17]

Researchers provide some tangible support for Matsuda's inferences. African-American women, for example, have been found to have a less positive self-

image because their features do not reflect a Caucasian-centered notion of beauty. Studies have noted that when people of color appear in the news, they are often portrayed as criminals.[18] Such portrayals are problematic for good reason.

Journalists engage in sound ethical decision making when they become aware of the risks associated with hate speech and use caution when repeating potentially hateful messages that may reinflict the injury through news coverage. When journalists fail to exercise critical thinking about repeating hateful messages, as in the case of news reports about the infamous 1988 Willie Horton ad that uncritically repeated the racial stereotypes and fact errors deliberately built into the campaign commercial, they are attacked for, among many other things, perpetuating ugly racial stereotypes in the guise of news.[19] Spike Lee, in his 2000 film *Bamboozled,* put African-American actors in actual black face. Some critics suggested that the make-up was "over the top," so offensive that it outweighed the film's other claims. If the goal is the creation of a civil discourse, enforceable both socially and politically, than reinjury in the guise of news or entertainment may seem less ethically compelling than pure First Amendment advocates would have the profession accept.

But, for civil discourse to be effective, it must to be grounded in truth. In the specific case of the King flier, while the framing of coverage as an organizational issue may reflect concerns regarding the potential damage of promoting hate-filled messages, the framing fails to confront the accuracy of the charges themselves, inadvertently perpetuating the Klan's hegemonic position. An alternative framing of the situation could include a journalistic evaluation of the charges themselves and their potential impact on the community.

KKK FLIER

The single page flier, distributed as a "public service" by the Klan, uses hearsay, innuendo, blatant manipulation, and lies in its attempt to connect Martin Luther King Jr. to the Communist Party. While there is absolutely no evidence to support any of the Klan's claims regarding King, the lack of actual evidence has not hindered the Klan's accusations. The flier maintains that the FBI monitored King, not for his civil rights activities, but because of his Communist connections.

A black and white image of a group of people, one of whom is identified as a young Martin Luther King, Jr. occupies a prominent position on the flier. The Klan identifies other individuals in the photo as members of the Communist Party and explains that the picture was taken in 1957 at the Highlander Folk School in Mounteagle, Tennessee. According to the flier, the school was financed by Communist sympathizers and served as a communist training school. The image is noteworthy in that while it is impossible to identify where the picture was actually taken, or to know if the people identified in the photograph are actually who the Klan says they are, the individuals in the foreground of the image occupy a much greater portion of the picture than expected. The size of these men, the brightness and contrast of their images, as well as their juxtaposition to each other differs considerably from the rest of the image. The photograph represented on the flier certainly seems like a composite image -- a splicing of two or more different pictures into a single photographic montage.

The use of composite pictures can be traced to the 1850s when photographers occasionally took artistic license and merged two or more negatives to create a composite image.[20] At the height of the 1950s Red Scare,

composite images were a popular red baiting technique used to discredit individuals who challenged Senator Joseph McCarthy and his anti-Communist witch hunts. For example, Senator Millard Tydings, an outspoken critic of McCarthy, charged that McCarthy was using fear tactics to scare the public into believing that Communists had infiltrated the United States government and were about to destroy the American way of life. In response to Tydings's public criticisms, a four page tabloid publication, "For the Record" was widely distributed, shortly before the election, by supporters of Tydings's Republican challenger John Marshall Butler. The tabloid included a photograph of Tydings deep in conversation with Earl Browder, who was at that time a leader of the American Communist Party. The photograph was a fake; it was a poor-quality montage that had been created from two completely different images. Unfortunately, the picture's impact on the public was substantial and Tydings lost the election. Although a subsequent investigation revealed that the photo was a fraud and Butler's campaign manager was fined $5,000 for violating election laws, the results of the election stood.

The KKK flier uses another popular red baiting technique, guilt by association, to stir up hatred and prejudice and connect King to the Communist Party. During the McCarthy era, if a person's family member was considered a Communist, or if an individual was a member of a club or organization that Communists joined, or even if a person was merely an acquaintance of a Communist sympathizer, that individual's life and career could be destroyed. The Klan flier includes a copy of an expense check for $167.74, made out to King, from the Southern Conference Education Fund, a group the KKK considers a Communist front. Of course the authenticity of the check is never questioned,

nor is any evidence included to prove that the Southern Conference Educational Fund is actually a Communist organization. To these Klan members, the check serves as guilt by association to prove King's Communist affiliations.

During the McCarthy era, merely uttering the word Communism out loud, or alluding to an individual's perceived Communist sympathies was enough to destroy a person's livelihood and make millions of people scared and insecure. Today, the word Communism and related terms like Socialist or even Liberal still evoke concerns among many Americans. For example, conservative Republicans depicted President Clinton's 1993 health care initiative as "Socialized Medicine" -- a strategy that helped to insure the defeat of the bill. A Lexis-Nexis search yielded hundreds of newspaper articles that debated the socialized medicine aspects of the health care plan even though it was an erroneous description of the plan.

MORE SPEECH, BETTER SPEECH

The goal of professional ethics is to articulate a path for action. While the foregoing sections have framed the central issues in journalistic coverage of hate speech, a professional solution that boils down to "print or don't print" seems both simplistic and static. In fact, borrowing from the approach of feminist ethics, we suggest that both claims -- the journalists' duty to report news truthfully[21] and the journalists' duty to minimize harm[22] -- require a conversation among stakeholders. This conversation can, among other things, serve to activate a cultural dialogue that disputes hegemonic discourse. It is in

listening to that conversation and framing news stories based on it, that guides for professional performance can be developed.

Our suggestions are also grounded in a branch of ethical theory that derives its power from placing the experience of those effected by the decision at the forefront of the analysis. Feminist ethics, and its interpretation by philosopher Daryl Koehn as dialogic ethics, place the contestability of claims at the center of the discussion. As Koehn notes, feminist ethics emphasizes "the need to listen to the possibly unique position of every individual with whom we interact, these ethics must contend with the possibility that one of these persons will raise a crucial objection to our position."[23]

Koehn herself is critical of much of the writing in feminist ethics. She suggests that some feminists overemphasize process and fail to rely, or ignore the role of, principle in ethical thinking. Others criticize feminist ethics for being too particularistic, incapable or unable of producing the sort of abstract, principle-based and universal norms that have characterized classical ethical theory, particularly the work of virtue ethicists such as Aristotle and McIntyre, duty-based theorists such as Kant or Ross, and consequentialists such as utilitarians Bentham and Mill. Koehn's work, based as it is in four principles, attempts to address the weaknesses she perceives in some feminist work.

From our point of view, the application of feminist ethics, specifically Koehn's articulation of it, has much to recommend it. First, because feminist ethics does emphasize process and inclusiveness, it provides professionals with a way of thinking through the issues surrounding hate speech without coming to premature conclusions. Ethicist Sissela Bok[24] has noted that one of the most basic problems in reaching ethical decisions is premature rejection of alternatives

and alternative points of view. Bok, like Kant, subscribes to the principle of publicity, an approach that is imbedded in feminist ethics and one that is particularly applicable to journalists who, after all, work in public and in the public domain. Second, Koehn's work -- and we believe by implication much of feminist ethics -- does subscribe to universal principles, particularly the principle of justice. Koehn's articulation of this principle, couched as it is in feminist theory, assumes a relational quality that is similar to Rawl's notion of distributive justice. Again, this mode of thinking is particularly relevant to issues surrounding hate speech because hate itself is not an abstraction but is instead applied, setting members of one group against members of other groups. Kahn's articulation of justice is applied as well. It requires connection to others based on commonly held understandings. In sum, we suggest that feminist ethics provides an articulation of process grounded in a relational concept of justice that is particularly appropriate to professional thinking about specific problems that have society-wide consequences.

To begin then, ethicists would have journalists acknowledge the reality that, for many, hate speech is harmful. It is harmful to the person at whom hate is directed, and it is harmful to political society in general. Matsuda's analysis of the impact of hate reflects a common understanding, unbounded by race, ethnicity and gender. "If it is indeed true that what each person accepts as true reflects his or her individual experiences, it must be equally true that not all truth is contingent upon individual perspectives."[25] In this framework, individual experience with hate speech is appropriately generalizable.

Ethicists would also have journalists acknowledge that telling the truth, even about hateful things, is a professional duty. The experience of

McCarthyism and Red Baiting is a potent illustration of the need for truthful journalism in American political society. The next step, then, is to find common ground, and Koehn suggests a decision model that helps arrive at such an understanding.

Dialogic ethics may be summarized through four principles. First, recognize that all opinions of all people may not be equally practically good. As Koehn notes, "the mere possibility that there are relevant and important objective differences in the goodness of persons' opinions is ethically significant."[26] What feminist ethical theory seeks to create is an ongoing critical dialogue in which self discovery provides a reason to continue thinking. As self discovery continues, opinions can be modified.

Principle two: never act unjustly. This principle is particularly important for journalists because it demands that their actions and thoughts be open to public scrutiny. Justice is a relational concept. It is difficult to "be just" without considering the roles, duties, histories and actions of others -- justice requires that we need connection to others in the "right" way. To fulfill this principle, opinions are good not because they are strongly held or held by the majority, but because they further connection and reflect wisdom.

Principle three: abide by the laws we have agreed to obey. As Koehn notes, the focus on law allows feminists to shift the conversation away from a private discussion between two people to a public discussion between the laws and all citizens. This principle allows citizens to debate laws, attempt (and sometime succeed) at changing them, and to obey laws. "It asserts an obligation to show the community what is right--it reconciles caring with political

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responsibility and integrates care and trust into a larger political and democratic structure."[27]

Koehn's fourth principle: make sure the first three apply. Covering hate speech, we suggest, provides a case in which the four principles can work. By acknowledging the validity of multiple experiences, by focusing on the role of journalism as one institution in society that can promote and further justice, and by respecting law, it is possible for journalists to articulate a set of professional guidelines that will help them better cover sometimes hatefilled political discourse.

This ethical approach also places journalistic performance squarely in the line of communitarian thinking. "Nurturing communitarian citizenship entails, at a minimum, a journalism committed to justice, covenant, and empowerment. Authentic communities are marked by justice; in strong democracies, courageous talk is mobilized into action ... In normative communities, citizens are empowered for social transformation."[28] Such empowerment, of course, relies on the dilution of a hegemonic view. It is to that effort we now turn.

While in principle, Koehn's doctrine may seem particularly relevant to the issue of hate speech, the specific elements of this case remind us that by not engaging with hate speech, and choosing to avoid (ignore) these messages, journalists may actually be at least tacitly supporting a racist, sexist, and/or homophobic ideology. The discussion of these issues, however personally offensive, may also serve as a way of challenging a dominant ideology that is created and perpetrated by social, economic, and political elites. A thorough discussion and examination of hate-filled communication, in such examples as the King KKK flier, may actually provide citizens with alternative ways of thinking

about these issues. Ultimately that knowledge may even become an oppositional force that could expose and undo hateful speech and ideas in society.

For example, during much of the nineteenth century, virtually no anti-slavery discussion was allowed in the Southern states. Although only a third of the population had a direct connection to slavery, the ruling elites saw the ownership of people as central to their political, economic, and social well-being. From the 1820s until the end of the Civil War, a one-sided pro-slavery campaign, which appealed to racial prejudice, effectively curtailed all discussion on the abolitionist issue and deprived citizens of their rights of free inquiry. In contrast, while at the beginning of the nineteenth century citizens in the North were primarily pro-slavery, the issue was discussed and debated in the press and slowly views began to change. Historians, political scientists, and social theorists maintain that if Southerners had been allowed the fundamental right to learn and debate all aspects of the slavery issue that the emancipation of slaves might have succeeded without the Civil War.

More recently, the underground press took issue with mainstream journalists over the issue of objectivity. They felt that when reporters did not inject their personal beliefs in their stories, and clung to a belief that they were neutral and unbiased, that the stories actually reinforced specific ideological views of the ruling class. Underground journalists noted that because of their reliance on objectivity, the mainstream press had, over the years, supported racism and male-only voting, and rejected the concept of social security and other issues and ideas that were unpopular with the upper middle class, white male elite in U.S. society.

COVERING HATE

Unfortunately, examples of hate speech continue to make the news. Considering the foregoing discussion, we offer reporters the following suggested standards of performance:

1. Tell the truth about the content of hate speech, even if it includes the original language and charges. Let the community know why this action is newsworthy -- why the media have brought this particular incident to public attention. Although hate may appear episodic, history suggests it is a persistent problem. News accounts need to be complete and contextual. A short story about such an episode, no matter how timely, is much less likely to include the sort of stakeholder-based information that we suggest. And since hate is persistent, the traditional rationale of "it's breaking news" is less than ethically persuasive. This recommendation takes seriously Koehn's third principle, abide by the laws we have agreed to obey. In this case, it is the First Amendment to the U.S. Constitution. But this recommendation as well as our second recommendation also follow Koehn's second principle. Telling the truth about the content of hate speech allows readers and viewers to recognize that all opinions of all people many not be equally good.

2. Counter hate-filled charges with actual fact. This means not only accurately recounting historical fact -- something that is not a strong suit for a profession dominated by reporters under 30 -- but providing context to the original historic charges. In the case of the KKK flier, it is important for journalists to remind readers and viewers that former, long-time F.B.I. Director J. Edgar Hoover tried to amass a dossier proving King was a communist. F.B.I. files show that Hoover was obsessed with discrediting King. He fabricated

evidence, wiretapped, and harassed King from 1962 until his 1968 murder. Part of the unspoken context of the King flyer is that the government itself, at the direction of Hoover, was unsuccessful in verifying such ill-founded suspicions.[29]

3. Help readers understand that words and doctored images may be used to further a hegemonic view that finds certain elements in society undesirable and untrustworthy, not merely as individuals but as members of particular groups. This effort to condemn people by the groups they associate with rather than through individual action is profoundly anti-democratic. It is also illegal, according to the U.S. Constitution. Help provide readers with the analytic understanding to spot such tactics on their own. Every community has sources who can speak to this issue. Quoting these sources puts them on equal footing with those who bring such charges. If possible, ask those who produce hate material to be accountable for specific content. This recommendation and the ones that follow speak to Koehn's second principle – never act unjustly.

4. Remind readers of the harm such hate continues to cause -- in the same story in which you report the hate speech itself. Allow the stakeholders who are most immediately and personally effected legitimacy in news accounts that report hate. Quote them and remind others of their claims.

5. Provide readers with alternate sources of information, in their own community and in others, where they can deepen their understanding of history and political action. For many news organizations, such an attempt to empower readers to formulate their own, informed understandings may be accomplished, in part, by referring readers and viewers to books, web sites, broadcast coverage, etc., about the issue and the particular groups that are the targets of

such attacks. In the spirit of truthfulness, it can also provide additional information about the groups and individuals that bring them.

Finally, we return to an important element in dialogic ethics: that ethical theory seeks to create an ongoing critical dialogue in which self-discovery encourages additional thinking. As self-discovery continues, opinions can be modified. How journalists cover hate in the early part of the twenty-first century should reflect historic understandings of the profession, for example, its errors during the McCarthy era. Coverage should also consider contemporary understandings of the possible -- the role that communication can play in providing in-depth, historically grounded background and fact. We suggest that part of an emerging critical understanding is the role that journalists need to play in helping readers and viewers understand for themselves the tactics of hate. This understanding encourages the ability of all stakeholders to engage in critical analysis of the news of the day. It empowers readers. It places justice on a equal footing with truth-telling in some portions of the journalistic enterprise. And, it also represents a moving professional target. What might have been professionally appropriate in 1950 will no longer be judged excellent professional performance in this information age.

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[1] "Anti-King KKK Fliers Dot Neighborhood,"*Columbia Missourian* 15 January 2001, p.1.

[2] KOMU 10 p.m. broadcast 14 January 2001.

[3] See, for example, Salon.com's coverage of the Horowitz advertisement.

[4] John Clarke et al., "Subcultures, Cultures and Class." In Stuart Hall and Tony Jefferson, eds. *Resistance Through Rituals* (London: Hutchinson, 1976), p. 38.

[5] T.J. Jackson Lears, "The Concept of Cultural Hegemony: Problems and Possibilities," *American Historical Review* 90 (June 1985), p. 577.

[6] Rachel Pendergraft, "Hate Crime Legislation – Friend or Foe?" (2001). http//www.kukluxklan.org/weekly16.html

[7] Raymond Williams, *Marxism and Literature* (Oxford: Oxford, 1977/1988).

[8] Raymond Williams, *Marxism and Literature* (Oxford: Oxford, 1977/1988), p. 123.

[9] Raymond Williams, "Base and Superstructure in Marxist Cultural Theory," *New Left Review* 82 (Nov.-Dec. 1973), p. 12.

[10] 505, U.S. 377 (1992)

[11] Edward J. Cleary, *Beyond the Burning Cross. A Landmark Case of Race, Censorship, and the First Amendment* (New York: Vintage, 1995), p. 268.

[12] Mari J. Matsuda et al., *Wound that Wound: Critical Race Theory, Assaultive Speech, and the First Amendment* (Boulder, Co: Westview, 1993).

[13] See, for example, M.Omni and H.Winant, *Racial Formation in the United States from the 1960s to the 1990s* (New York: Routledge, 1994).

[14] See Schneck v. United States, 249 U.S. 47 (1919).

[15] See, for example, John Milton, *Areopagitica* (London: Adam and Charles Black, 1911) and John Stuart Mill, *On Liberty* (London: J.W. Parker, 1859).

[16] See, for example, Bernard Gert, *Morality*. (New York: Oxford University Press, 1984).

[17] Mari J. Matsuda et al., *Wound that Wound: Critical Race Theory, Assaultive Speech, and the First Amendment* (Boulder, Co: Westview, 1993), p. 26.

[18] See, for example, Paul Lester, ed., *Images that Injure. Pictorial Stereotypes in the Media* (Westport, Conn.: Praeger, 1996).

[19] Kathleen Hall Jamieson, *Dirty Politics* (New York: Oxford University Press, 1992).

[20] Dino A. Brugioni, *Photo Fakery. The History and Techniques of Photographic Deception and Manipulation* (Dulles, VA: Brassey's, 1999), p. 27.

[21] Den Elliott, "Foundations for News Media Responsibility." In Deni Elliot, *Responsible Journalism* (Newbury Park, CA: Sage, 1986), pp. 32-44.

[22] Bernard Gert, *Morality* (New York: Oxford University Press, 1984).

[23] Daryl Koehn, *Rethinking Feminist Ethics: Care, Trust and Empathy* (London: Routledge, 1998), p. 17.

[24] Bok, Sissela. *Lying: Moral Choice in Public and Private Life.* (New York: Vintage Books, 1978).

[25] Daryl Koehn, *Rethinking Feminist Ethics: Care, Trust and Empathy* (London: Routledge, 1998), p. 105.

[26] Daryl Koehn, *Rethinking Feminist Ethics: Care, Trust and Empathy* (London: Routledge, 1998), p. 116.

[27] Daryl Koehn, *Rethinking Feminist Ethics: Care, Trust and Empathy* (London: Routledge, 1998), p. 150.

[28] Clifford Christians, et all, *Good News: Social Ethics and the Press* (New York: Oxford University Press, 1993), p. 14.

[29] See, for example, "The Legacy of Martin Luther King Jr." produced by the *Washington Post* for their on-line news service, www.washingtonpost.com

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The Fairness Factor

Exploring the Perception Gap Between Journalists and the Public

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Presented to the Media Ethics Division
Association for Education in Journalism and Mass Communication annual convention
August 2001, Washington, D.C.

Few moral frameworks are formed as early in life as the concept as fairness. Witness almost any toddler who takes stock of a disadvantageous situation and complains to anybody within earshot: "That's not fair!" As children mature, their judgments move beyond the "here, now, and me" to consider the "there, then, and others." By the time they reach adulthood, their parameters for deciding what's fair have broadened, and fairness can mean many different things to different people.[1] A consensus about the media, however, appears to have developed within the public sphere: News outlets aren't very fair, however fairness is defined. In 1997, the Pew Research Center for The People & The Press found that 67 percent of Americans consider coverage of political and social issues to be unfair, a rise of 14 percentage points since 1985.[2] Anecdotal evidence of the Pew numbers can be found in a quick stroll through letters to the editor:

‣ Marcia J. Covert of Detroit asked, "If the *Free Press* were to present the truth, then was it not obligated to present the whole truth in a balanced, objective and *fair-minded* way?"[3] Covert wanted the newspaper to act more compassionately toward a teen-ager accused

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[1] Such moral development generally parallels cognitive growth as theorized by Jean Piaget. For a fuller discussion, see Michael Siegal's *Fairness in Children* (London: Academic Press, 1982). Evidence of an expanding appreciation of fairness, as defined within the framework of distributive justice, can also be found in these two studies: Children ages 5, 9, and 13 were asked to divide resources (i.e., paper money and ballots in a vote) and judge the fairness of the various approaches to such a division. The youngest children tended to divide the resources equally, regardless of individual needs or contribution to the group, but the older children shaped their decisions to the particular situation, such as helping those who needed the resources most or rewarding those who had produced the most. Carol K. Sigelman and Kara A. Waitzman, "The Development of Distributive Justice Orientations: Contextual Influences on Children's Resource Allocations," *Child Development* 62, no. 6 (1991): 1367-1378. In the second study, older children were more likely to consider the pragmatic consequences of various political systems and used broader rationales to support freedom of speech. Charles C. Helwig, "Children's conceptions of fair government and freedom of speech," *Child Development* 69, no. 2 (1998): 518-531.

[2] "Press 'Unfair, Inaccurate and Pushy': Fewer Favor Press Scrutiny of Political Leaders." Pew Research Center for The People & The Press, March 21, 1997, available from http://www.people-press.org/97medrpt.htm; Internet; accessed 10 October 2000.

[3] Letters to the editor, *Detroit Free Press*, 23 September 2000; available online at http://www.freep.com/voices/letters/edesan23_20000923.htm, accessed 22 November 2000. Emphasis added.

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of leaving her newborn child outside a church to be adopted; instead, the infant died of exposure to the cold.

- School superintendent William H. Hyde of Westminster, Maryland, hoped that the *Baltimore Sun* would show "some professionalism by taking a more careful and *fair-minded* approach to issues that affect our school system and our community."[4] Hyde was offended by a story that used anonymous sources to imply he had been uncooperative.

- Leslie Jacobs of New Orleans wanted the *Times-Picayune* to tell the story of education reform in an "accurate and *fair manner*."[5] Jacobs was angered by a story that had mischaracterized her opinion of people opposed to more testing in the schools.

- And the employees of Alaska Airlines told the *Seattle Times* that although they realize "life is all too infrequently *fair*," the concept of responsible reporting "presumes at least a modicum of balance be applied in the reporter's discovery process."[6] Martha Minter's letter accused the *Times* of lopsided and "lurid" coverage of an airplane crash to improve newspaper sales.

Journalists have long recognized the importance of fair coverage and have put the need for fairness at the core of several codes of ethics.[7] A good newspaper, says the

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[4] Letters to the editor, *Baltimore Sun*, 13 August 2000, 6B. Emphasis added.

[5] Letters to the editor, *New Orleans Times-Picayune*, 27 August 2000; metro 6. Emphasis added.

[6] Letters to the editor, *Seattle Times*, 14 May 2000. Available online at http://archives.seattletimes.nwsource.com/cgi-bin/texis/web/vortex/display?slug=lett14&date=20000514&query=martha+minter+tacoma+alaska; accessed 22 November 2000. Emphasis added.

[7] Despite the proliferation of codes of ethics in journalism, they have received mixed reviews on whether they improve the ethical climate in newsrooms. For example, codes have been criticized as being used too often as mere public relations tools, "like paint over bad plaster." Clifford G. Christians, John P. Ferre, and P. Mark Fackler, *Good News: Social Ethics & the Press* (New York: Oxford University Press, 1993): 135. Others have criticized codes for being ineffectual. Jay Black and Ralph D. Barney, "The Case Against Mass Media Codes of Ethics," *Journal of Mass Media Ethics* 1, no. 1 (Fall/Winter 1985-86): 27-36. However, codes can create "an organizational conscience" (*Good News*, p. 135) and help institutionalize ethical behavior. M.

Associated Press code, is "*fair*, accurate, honest, responsible, independent and decent."[8] Good journalism, according to the American Society of Newspaper Editors, requires that the news content be "accurate, free from bias and in context, and that all sides are presented *fairly*."[9] Journalists, urges the Society of Professional Journalists, should be "honest, *fair* and courageous in gathering, reporting and interpreting information."[10]

So if all sides agree that newspapers should present the news fairly, what's the problem? The problem may be that the press and the public appear to have different concepts of what it means to be fair. Journalists have been educated and trained to understand fairness as being unbiased and balanced, giving every side of a story an equal hearing without inserting their personal opinions. That is exactly how the Pew study framed the issue in its 1997 survey question: "In dealing with political & social issues, news organizations 1) Deal fairly with all sides 2) Tend to favor one side."

For readers, however, fairness can encompass far more values. In 1998 and 1999, the Freedom Forum undertook a series of discussions with readers across the country through its Free Press/Fair Press project. Those discussions revealed deep reader dissatisfaction with the fairness of the news media, specifically newspapers. Newspapers, readers said, are unfair when they get the facts wrong, when they refuse to admit errors, when they won't name names, when they employ ignorant or incompetent reporters, when they prey on the weak,

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Cash Mathews, *Strategic Intervention in Organizations: Resolving Ethical Dilemmas* (Newbury Park, Calif.: Sage, 1988): 137. When a news organization includes fairness in its ethics code, it cannot guarantee that fairness will exist henceforth; it has sent a signal, however, that fairness has value in the workplace.

[8] The Associated Press follows the code of ethics for the Associated Press Managing editors, available online at http://www.apme.com/about/code_ethics.shtml; accessed 22 November 2000. Emphasis added.

[9] The American Society of Newspaper Editors' Statement of Principles is available online at http://www.asne.org/kiosk/archive/princip1.htm; accessed 22 November 2000. Emphasis added.

[10] The Society of Professional Journalists' Code of Ethics is available at http://spj.org/ethics/code.htm, accessed 22 November 2000. Emphasis added.

when they concentrate on bad news, when they lack diversity, when they allow editorial bias into their news stories, and when they can't admit to themselves that sometimes there's no story.[11] While journalists focus on professional values of even-handed and dispassionate reporting as the basis of fairness, their readers seem to often include social values of compassion and respect.

Many elements that fall under an umbrella concept of fairness are valued by both journalists and the public. It would be an odd reader who didn't appreciate accuracy, and a journalist who treated all of his sources with disrespect probably would be out of job fairly soon. The question, therefore, is whether the media and the public equally value elements of fairness. The purpose of this paper is to explore whether the public and journalists place equal importance on four practices that embody elements of fairness: 1) making sure the story is accurate, 2) giving balanced coverage to all sides mentioned in the story, 3) having the expertise to report the story, and 4) treating people in the story with respect. Using a phone survey for the public and a self-administered written survey for journalists, respondents were asked how important each element of fairness was to them. This research also uses the co-orientation model to examine whether both sides of the information pipeline – the public and journalists – are good judges of the values held by those at the other end of the pipeline.

This paper begins with a review of how fairness is perceived as a professional value, first by journalists and then within scholarly research. Fairness is then considered in the philosophic context of justice. The literature review wraps up by offering a framework for thinking about fairness that combines professional and philosophic perspectives.

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[11] Robert J. Haiman, "Best Practices for Newspaper Journalists," Media Studies Center, The Freedom Forum, 2000.

Fairness as a professional value

Fairness as an ethical concept tends to be all things to all people. Journalists have a particularly difficult time defining fairness in terms that are commonly understood throughout the profession, and rarely do they agree on exactly which values constitute acceptable measures of fairness. One problem is that journalists often speak of fairness in the same breath as objectivity, a lack of bias, and balance, as if they are synonymous and interchangeable. It is possible, however, to separate these values into distinct concepts. Objectivity, as Merrill defines it, is a one-to-one relationship between a symbol and reality, "with virtual correspondence of meaning, or harmonizing, being the result."[12] An objective story, metaphorically, is an absolutely clear window between the public and the news event. Objectivity as a realistic, or even desirable, goal has fallen on hard times as journalists acknowledge that as human beings, equipped with attitudes and opinions, they are not sterile vessels that can convey information without contamination. Merrill distinguishes bias from lack of objectivity as having intentionality, as in a story "deliberately slanted by the journalist."[13] Balance is the measured weighing of elements representing all sides of a story,[14] and it comes the closest to being an equivalent term, in the journalistic sense, to fairness.

Many journalists tend to define fairness in terms of maintaining objectivity, striving for balance, and eliminating bias. For example, journalists who completed the survey for this

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[12] John C. Merrill, *Journalism Ethics: Philosophical Foundations for News Media* (New York: St. Martin's Press, 1997), 117.

[13] Ibid, 167.

[14] Many texts describe balance as giving all sides their due representation. For example, Mencher defines balance as making sure "all sides in a controversy are presented." Melvin Mencher, *News Reporting and Writing*, 8th ed. (Boston: McGraw-Hill Higher Education, 2000): 42. Shaw et. al. write that "journalists often balance the opposing sides of an issue as if their story is the only one that the public will see." Donald L. Shaw, Maxwell McCombs, and Gerry Kier, *Advanced Reporting: Discovering Patterns in News Events*, 2nd ed. (Prospect Heights, Ill.: Waveland Press, Inc., 1997): 303.

research were also asked their definitions of fairness. A female newspaper reporter with 15 years of experience said, "Fairness means not letting your own personal bias in the story." A female magazine editor with eight years of experience said, "To be fair one must be responsible, one must weigh all the information, and present the most balanced story." A male TV anchor with 25 years of experience called fairness "staying on the yellow line that's right down the middle of the road." And a male newspaper reporter with four years of experience defined it this way: "An editor once told me that reporters should walk down the street shooting out the windows on both sides of the road."

For some journalists, fairness is not simply balance and a lack of bias. For example, the *Washington Post* stylebook lists several aspects of fairness:

> No story is fair if it omits facts of major importance or significance. Fairness includes completeness. No story is fair if it includes essentially irrelevant information at the expense of significant facts. Fairness includes relevance. No story is fair if it consciously or unconsciously misleads or even deceives the reader. Fairness includes honesty – leveling with the reader. No story is fair if reporters hide their biases or emotions behind such subtly pejorative words as "refused," "despite," "quietly," "admit" and "massive." Fairness requires straightforwardness ahead of flashiness.

Academic research into fairness tends to frame the issue as one of balance among competing viewpoints. To measure community trust in local newspapers, Salmon and Lee asked residents whether their newspaper was "usually fair to both sides" in debates over gun control and school prayer.[15] Lacy, Fico, and Simon defined "fairness and balance" as two measures of the same equality concept when they examined coverage of community controversy in the "prestige" press: Fairness existed if both sides were represented, and

[15] Charles T. Salmon and Jung-Sook Lee, "Perceptions of Newspaper Fairness: A Structural Approach," *Journalism Quarterly* 60, no. 4 (1983): 663-70. The research found "limited" support for the idea that residents of a given community consider their local newspaper fairer than newspapers in general; support was stronger for residents who read only their local paper.

balance was measured by how many words were given to each side.[16] Fico and Soffin applied a balance test to measure fairness in policy coverage,[17] as did Fico, Ku, and Soffin in studying Gulf War coverage.[18] Other studies used similar measures in coverage of national, state, and local issues;[19] local issues;[20] a governor's race;[21] and the 1996 presidential election.[22]

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[16] Stephen Lacy, Frederick Fico, and Todd F. Simon, "Fairness and Balance in the Prestige Press," *Journalism Quarterly* 68, no. 3 (1991): 363-370. The newspaper sample included papers of national reputation, such as *The New York Times*, as well as selected large-circulation newspapers. "Prestige" papers were found to provide better fairness and balance, as defined by the methodology, than non-prestige newspapers with large circulations. Within the prestige press, the *Los Angeles Times* and the Louisville *Courier-Journal* ranked No. 1 with 0 percent of stories that didn't contact both sides; the *Chicago Tribune* ranked 16th at 25 percent. *The New York Times* ranked first in balance, with a 20.7 percent difference between the number of words given both sides; the *Baltimore Sun* ranked 14th with a 28.6 percent difference.

[17] Frederick Fico and Stan Soffin, "Covering Local Conflict: Fairness in Reporting a Public Policy Issue," *Newspaper Research Journal* 15, no. 4 (1994): 64-76. The study counted the number of times both sides of a local controversy dominated a story as measured by the placement of each side's assertions in the story. Both sides were found to dominate roughly equal numbers of stories, giving readers an even chance of reading a story dominated by one side or the other.

[18] Frederick Fico, Linlin Ku, and Stan Soffin, "Fairness, Balance of Newspaper Coverage of U.S. in Gulf War," *Newspaper Research Journal* 15, no. 1 (1994): 30-41. The methodology included how many sources were quoted on each side of the controversy (pro-war and anti-war); whether those sources were quoted in headlines, leads, or graphics; whether those sources were quoted in the first five paragraphs or last half of the story; whether art associated with one side or the other was used; and the number of inches given to both sides. The study found that two-thirds of the 134 stories in the sample were deemed one-sided, favoring anti-war advocates. Larger newspapers were more likely to favor anti-war advocates.

[19] Frederick Fico and Stan Soffin, "Fairness and Balance of Selected Newspaper Coverage of Controversial National, State, and Local Issues," *Journalism & Mass Communication Quarterly* 72, no. 3 (1995): 621-633. The authors found that 48 percent of the stories in their sample covering five issues were unfair (through a one-sided presentation) and 50 percent were imbalanced. Influencing factors included placement (stories on page 1 were less imbalanced than inside stories), subject (stories about local institutions were more imbalanced), and source (stories based on interviews were less imbalanced than those based on events, such as government actions and speeches.)

[20] Frederick Fico, Todd Simon, and Michael Drager, "Fairness and Defamation in the Reporting of Local Issues," paper presented to the 1997 annual convention of the Association for Education in Journalism and Mass Communication; available online at http://list.msu.edu/cgi-bin/wa?A2=ind9710A&L=aejmc&P=R45359&m=793, accessed 24 November 2000. Contrary to expectations, stories based on government documents were not more likely to be imbalanced or defamatory. Additionally, stories that were unfair and imbalanced were not more likely to be defamatory.

[21] Frederick Fico & William Cote, "Fairness and Balance in Election Reporting: The 1994 Governor's Race in Michigan," *Newspaper Research Journal* 18, no. 3-4 (1997): 50-63. Campaign stories were found to be dominated by one candidate or the other; stories based on interviews tended to be more fair and balanced; the candidates were the most visible sources in the stories; and reporters considered the coverage to be fair and balanced. Interestingly, reporters cited three concepts of fairness that weren't covered by the methodology: 1) fairness in information-gathering procedures; i.e., "fairness meant giving the candidates equal opportunity to

The methodological similarity in these academic studies reflects a narrow interpretation of fairness that focuses on counting up the number of references to all sides, measuring how much space each side gets, and determining where that space comes in the structure of the story. As Fico and Cote sum up this approach, "Fairness starts with getting 'the other side.' Balance starts by alerting readers high enough in a story that there is another side."[23] Few studies have looked beyond story measurements into the attitudes and motivations of journalists and the public. Gladney found that readers and journalists tend to agree on the importance of traditional values, such as integrity, impartiality, and accuracy, but that readers placed more importance on decency, defined as "a sense of morals and cleanliness."[24] Voakes found that the public's idea of what influences a journalist's ethical decisions differed from what journalists reported, but that journalists and the public tended to agree on what behavior was unethical.[25] This study builds on their findings by comparing the importance that journalists and the public place on specific elements of fairness.

Fairness as philosophy

Whether fairness is an overarching concept or a subset of a different concept, it's clear that journalism lacks a cohesive and universally accepted understanding of fairness.

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obtain coverage, but not necessarily equal treatment in stories"; 2) both candidates statements were probed equally for substantiation; and 3) giving an attacked candidate the chance to respond.

[22] Frederick Fico and William Cote, "Fairness and Balance in the Structural Characteristics of Newspaper Stories on the 1996 Presidential Election," *Journalism & Mass Communication Quarterly* 76, no. 1 (1999): 124-137. Using the measures of Fico's previous studies, Republican candidate and challenger Bob Dole dominated 58 percent of the stories, while President Clinton dominated 33 percent of the stories. Stories based on interviews had the same pattern of imbalance as event-based stories.

[23] Ibid, 135.

[24] George Albert Gladney, "How Editors and Readers Rank and Rate the Importance of Eighteen Traditional Standards of Newspaper Excellence," *Journalism and Mass Communication Quarterly* 72, no. 2 (Summer 1996): 319-331.

Philosophy, however, is another matter. "What journalists consider fair – or fair-minded – and what philosophers think about the topic, is so galactically distant from each other as to require NASA-enhanced communication between parties," writes Carlin Romano, a book critic for the *Philadelphia Inquirer* who has taught philosophy at Yale University, the University of Pennsylvania, and Bennington College.[26] Journalists, Romano suggests, think of fairness as any procedure that's not under attack by a powerful interest group or that causes no "obvious" harm to others. Philosophers, however, have developed a framework for thinking about fairness that may not always provide clear-cut answers but does allow for a systematic approach to the concept.

Much of the philosophic discussion about fairness involves the concept of justice, both distributive and procedural. Distributive justice determines who gets what, an allocation process that philosophers and parents have struggled with for centuries. One approach to distributive justice is equity, or as Aristotle would put it, "what is just . . . is what is proportionate."[27] Simply put, equity returns to you whatever you put in, whether it be time, energy, or talent. A branch of equity might be reciprocity, in which you get back the favor, dinner invitation, or even the raw deal that you gave to someone else. Under John Rawls' difference principle of distributive justice, the "least advantaged" members should benefit from any unequal distribution of resources so that the value of the resources is maximized.[28]

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[25] Paul S. Voakes, "Public Perceptions of Journalists' Ethical Motivations," *Journalism and Mass Communication Quarterly* 74, no. 1 (Spring 1997): 23-38.

[26] Carlin Romano, "All Is Not Fair in Journalism," in *What's Fair, the Problem of Equity in Journalism*, ed. Robert Giles and Robert W. Snyder (New Brunswick: Transaction Publishers, 2000), 100.

[27] James Q. Wilson's *The Moral Sense* (New York: Simon & Schuster, 1993), 60.

[28] John Rawls, *A Theory of Justice* revised ed. (Cambridge, Mass.: Belknap Press of Harvard University Press, 1999).

Kant's categorical imperative would dictate that what's fair for you should be fair for everyone.[29]

Psychological research into distributive justice has found a common sense of sharing: We expect equitable relationships, according to equity theory, and we will sacrifice our advantage if that will help restore equity.[30] In the 1980s, German economists staged a game called "Ultimatum" involving two players. One player is given money, say $20, and is told that he can share as much or as little of that money with the other player as he wants. The catch is that the second player must accept the offer, or both players will receive nothing. Most players proposed an equal, or at worst 70-30, split of the money, fearing that too small an offer would be rejected as unfair, as it often was.[31]

Procedural justice is concerned with the method by which distributive justice is carried out. Procedural justice includes a number of influences on the decision of who gets what, such as impartiality and compassion, or if injustice is involved, greed and self-interest. Losers in small-claims court are more likely to pay the judgment if they think the hearing was fair;[32] people with a voice in how an outcome will affect them consider the outcome more fair than

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[29] Immanuel Kant, *Fundamental Principles of the Metaphysic of Morals* (New York: Liberal Arts Press, 1949).

[30] Jonathan Baron, *Thinking and Deciding* 2d ed. (Cambridge: Press Syndicate of the University of Cambridge, 1994), 452.

[31] For a fuller description, see Wilson's *The Moral Sense*, footnote 28. Another overview of the perception of fairness as distributive justice is offered by Cristina Bicchieri, "Local Fairness," *Philosophy and Phenomenological Research* 49, no. 1 (1999): 229-36.

[32] Craig A. McEwen and Richard J. Maiman, "Mediation in Small Claims Court: Achieving Compliance Through Consent," *Law & Society Review* 18 (1984): 11-10, cited in Wilson, 70.

those who didn't have a voice;[33] and those who don't trust an authority making a decision depend on procedural fairness to interpret that decision.[34]

Finding philosophy in professional and academic values

How, then, are the professional, academic, and philosophical views of fairness reconciled? Consider the structural or mechanical elements of almost any news story: The selection of facts, the accuracy of those facts, and the balancing of those facts by quantity and placement is a sort of distributive justice, or who gets what. Journalists are allocating the scarce resource of space (for newspapers) or time (for broadcast), distributing the quantity and prominence of information that the public will receive. When journalists decide whom to call for information, they are not only deciding what facts to consider, they are also allocating one of their most precious resources: the time they have to produce a story. If a fact is incorrect, journalists reduce the resource (i.e., valid information) available to one side of an issue. When journalists present the facts, they parcel out space to each side and they structure the priorities within that space – very much like the academic interpretation of fairness and balance.

Next consider the methods by which those structural elements are put into place: The reporter's ability to get the facts, the sensitivity of the reporter in dealing with the people involved in the story, and the ability of the reporter to give the facts relevance and context are very much like procedural justice. Journalistic methods of delivering information can strongly influence how readers interpret and react to the facts. If journalists are not skilled in seeking out sources, or in questioning those sources, the quality of the information suffers. When

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[33] E.A. Lind, R. Kanfer, and P.C. Earley, "Voice, Control, and Procedural Justice: Instrumental and Noninstrumental Concerns in Fairness Judgments," *Journal of Personality and Social Psychology* 59 (1990): 952-959.

[34] Kees van den Bos, Henk A.M. Wilke, and E. Allan Lind, "When Do We Need Procedural Fairness? The Role of Trust in Authority," *Journal of Personality and Social Psychology* 75, no. 6 (1998): 1449-58.

journalists stress the professional values of even-handed and dispassionate reporting over the social values of compassion and respect, they risk losing the public's confidence that they have acted appropriately. When journalists have done their job with expertise, shown appropriate compassion and respect, and provided background and context for their stories, the reader is not unlike those who must rely on an unknown authority to dispense justice: If the procedure is fair, the outcome is likely to be fair.

Viewed in this framework, the four elements of fairness tested in this study – the accuracy of the story, balanced coverage of all sides, the expertise of the reporter, and treating people with respect – fall within the two broad divisions of justice that now encompass the academic, professional, and philosophical views of fairness. Accuracy and balance can be seen as distributive justice, and expertise and respect become elements of procedural justice.

Research questions and methodology

Given a unified concept of fairness, the question turns to how journalists and the public value the four component elements of fairness. This study asks:

> **R1:** Do journalists and the public agree on the value they place on accuracy, balance, journalistic expertise, and respect?
>
> **R2:** Do journalists and the public accurately perceive the values of the other?

The survey work for this study was done in two stages. In the first stage, 748 North Carolina residents were interviewed as part of the Carolina Poll, a statewide public opinion survey using a probability sample sponsored by the School of Journalism at the University of North Carolina at Chapel Hill.[35] In the second stage, 84 journalists were surveyed in two

[35] The telephone poll was conducted Oct. 28-Nov. 2, 2000. A random sample of 748 North Carolina residents 18 or older was interviewed by students at the University of North Carolina. The sampling error was plus or minus 3.6 percent for the total sample at a 95 percent confidence level.

nonprobability samples.[36] On average, public respondents were slightly older, less well-educated and reflected more ethnic diversity than the journalists; the typical member of the public reads a newspaper four days a week. Slightly more than half of the public respondents were female; more than half of the journalists were male.[37]

The public and journalists were asked to rate four elements of a news story – accuracy, balanced coverage to all sides, a journalist's expertise to report a story, and treating people in the story with respect – as either very important, somewhat important, not very important, and not at all important. To measure coorientation between the public and journalists, each group was asked to predict how the other group would rate the four elements. The coorientation model, which measures agreement, congruency, and accuracy, suggests that the ability of two parties to accurately perceive the position of the other is a test of their understanding of their shared social reality.[38] In this study, agreement is measured by the correlation of the public's values with the journalists' values. Congruency is measured by the correlation of one group's values with their estimation of the other group's values. Accuracy is the correlation of one group's estimation of the other's values with what those values actually are.

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[36] Surveys were made available at the national convention of the Society of Professional Journalists, held Oct. 26-29, 2000, in Columbus, Ohio, yielding 38 self-administered surveys. Additional surveys were distributed by the snowball method to 32 of the author's colleagues, who were asked to send it on to their colleagues in the media. The snowball method produced 46 additional surveys. All surveys were anonymous. The surveys distributed at the SPJ convention and those distributed by the snowball method produced mean results with no significant difference between the two groups, allowing them to be considered as one sample.

[37] The mean age for the public was 47; the mean age for journalists in the SPJ sample was 43; the mean age for journalists in the snowball sample was 42. About 33 percent of the public had a college degree or more education, compared to 92 percent of the SPJ journalists and 91 percent of the snowball journalists. Of the public respondents, 78 percent were white, compared to 92 percent of the SPJ journalists and 98 percent of the snowball journalists. The public sample was 44 percent male, the SPJ sample was 71 percent male, and the snowball sample was 44 percent male.

[38] Theodore Newcomb, "An Approach to the Study of Communicative Acts," *Psychological Review* 60 (1953): 393-404.

Findings

Given the highly laudable qualities of all four elements of fairness, it's not surprising that ratings in all categories for both the public and journalists stayed within the range of "very important" and "somewhat important." The wording of the survey questions presents two other issues for consideration. First, with only four possible answers, a finely honed distinction in the overall response is not possible. Second, the questions did not require the respondents to prioritize their answers. Respondents were free to rank every element as "very important," and some did. Even with these limitations, it's worth noting the statistically significant differences that did appear in the data:

R1: As seen in Table 1, both the public and journalists placed the highest value on accuracy. For the public, balanced coverage and respect for individuals tied for second place, followed by the expertise of the journalist to report the story. For journalists, balanced coverage ranked second, respect third, and expertise fourth. A more telling difference, however, emerges when the mean values for the different elements are compared between the public and journalists. The public places less value on accuracy, balance, and respect than do journalists; the difference between the mean values on expertise is statistically insignificant (Table 1, coorientation agreement).

R2: The public and journalists think they place higher values on the four elements of fairness than the other (Tables 2 and 3, coorientation congruency), and they aren't very good at estimating the values of the other (Tables 4 and 5, coorientation accuracy), with the exception of the journalists' estimation of the public's value on balance and respect. The public (Table 4) guesses low on the importance of all the elements to journalists: accuracy (2.24 to an actual value of 1), balance (2.34 to an actual value of 1.11), expertise (2.11 to an

actual value of 1.57) and respect (2.31 to an actual value of 1.24). Journalists (Table 5) guess high on the importance of accuracy to the public (1.12 to an actual value of 1.28), and low on the importance of expertise to the public (1.87 to an actual value of 1.53). The only areas in which accuracy was found (i.e., no statistical difference in the estimate of one party to the other) were in the journalists' estimations of the importance of balance and respect to the public. That journalists had a 50 percent success rate in one coorientation measure is good news only when compared to the public's 0 percent success rate.

Discussion and conclusion

When E.R. Shipp, ombudsman for the *Washington Post*, wrote her farewell column in October 2000, she cited a long list of problems at the paper, including rudeness to readers, snideness in stories, and staffers who were arrogant and ignorant.[39] It was a natural follow-up to a column she had written a month earlier, in which she said she had heard a common request from readers during her tenure: a plea for fairness.[40] In both columns, Shipp pointed out attempts by the *Post* to be a fairer newspaper.[41] Clearly, fairness is an issue at the *Washington Post*.

On the Sunday before the November 7, 2000, presidential election, the San Jose *Mercury News* arrived on readers' doorstep without its Sunday magazine. A few days earlier, editors had pulled the magazine from already stuffed inserts because of concern that the magazine's lead story – "Inside the GOP, a diehard Democrat sneaks into the big tent – and is

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[39] E.R. Shipp, "So Long," *Washington Post*, 15 October 2000, B6; available online at http://www.washingtonpost.com/ac2/wp-dyn/A7365-2000Oct14?, accessed 26 November 2000.

[40] Shipp, "In Pursuit of Fairness," *Washington Post*, 17 September 2000, B6; available online at http://www.washingtonpost.com/wp-dyn/articles/A17734-2000Sep16.html, accessed 26 November 2000.

[41] In her October 15 column, Shipp reported that Managing Editor Steve Coll, in a memo to the staff, outlined a campaign to, among other things, look at the "fairness in tone" of *Post* stories. In her October 17 column, she reprinted the *Post*'s standard of fairness and urged editors to remember it.

surprised by whom he finds there" – was unfair.[42] Clearly, fairness is an issue at the *Mercury News*.

What fairness means, however, and whether journalists and the public agree on the importance of certain elements of fairness is at the heart of this paper. The public and journalists ranked the four elements nearly alike – with accuracy first and expertise last – but the two groups differed significantly with one another on the importance of those elements. The public placed lower values on three of the four elements than did journalists. Only expertise failed to receive a different mean value that was statistically significant. At first blush, these results seem counterintuitive – certainly the public would value all elements of fairness at least as highly as journalists, for as consumers they have a substantial stake in the quality of information they receive. But fairness – as measured by these four elements – is to some degree a normative value in the workplace and, therefore, highly salient to journalists. As a salient value, it commands heightened evaluations.[43]

When the four elements of fairness are considered in the context of distributive and procedural justice, a noticeable division occurs among journalists. The two distributive elements received substantially higher ratings (accuracy, 1; balance, 1.11) than the two procedural elements (knowledge, 1.57; respect, 1.24). Balanced coverage, or sharing space in

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[42] Executive Editor David Yarnold's memo to the staff read, in part: "Susan and I have decided to hold the story that appears on the cover *SV magazine* this coming Sunday because of issues of balance and fairness. This is going to result in some major upheaval because two-thirds of the Sunday insert packages are complete and the magazines need to be removed today. This week's cover story is a personal essay by David Early, a lifelong Democrat who wonders how friends and people he admires can carry the Republican flag. It's an engaging piece of writing, but this issue of the magazine is flawed for two reasons: 1. It lacks a balancing, opposing point of view. 2. It would be published just two days before the general election." Available in the Jim Romenesko MediaNews archives, http://www.poynter.org/medianews/extra16.htm, accessed 27 November 2000.

[43] Susan T. Fiske and Shelley E. Taylor, *Social Cognition*, 2d ed. (New York: McGraw-Hill, Inc., 1991): 293.

a story so that all sides can be heard, is particularly illustrative of distributive justice. What it means to be balanced remains, however, somewhat problematic. Nearly 50 years ago, broadcasting icon Edward R. Murrow was flabbergasted that his network wanted to give Joseph R. McCarthy equal time on Murrow's "See It Now" expose of the senator. Making such an offer, Murrow thought, was "to give Jesus and Judas equal time."[44] A male wire service reporter offered a less colorful version of the same attitude when he defined fairness for this survey: "Not being totally balanced in the sense of each side getting exactly the same amount of coverage, but giving both sides their due so each side can feel it's been given a chance to speak its piece."

The lower value placed on balanced coverage by the public is intriguing. One explanation might be that balance carries less salience for the public, which, because it does not know what has been left out, is unaware that unequal sharing might have occurred. The issue of balance is highly salient to journalists because they may hear quickly from whoever received less coverage.

The two elements of procedural justice in this study – expertise of the journalist and showing respect to individuals in the story – were given lower value by both the public and journalists. From the public's perspective, journalists typically know more about the news event than they do – unless the member of the public is personally acquainted with the event – and therefore an adequate base of knowledge is assumed. Journalists know from experience that they often are asked to cover news events about which they have no expertise – and that their ability to do so is one of their strengths. "My expertise on the topic at hand is not all that important, although it is obviously very desirable," said a male assistant city editor. "My

[44] Joseph E. Persico, *Edward R. Murrow: An American Original* (New York: Da Capo Press, 1997).

experience as a journalist is very important. Journalists, especially at the size newspaper at which I work, ought to be able to tackle all kinds of stories, not necessarily only those subjects in which they have a particular expertise."

The fourth element of fairness – treating people in the story with respect – was valued lower by the public than by journalists, and this may be the study's most puzzling finding. That journalists would value respect is not surprising: respect came in third, but with a substantially higher mean value than fourth-ranked expertise (1.24 to 1.57). Recent surveys show that the public has a fairly low opinion of journalism and those working in the field,[45] which may make the issue of respect particularly salient to journalists, especially those sensitized to the problems associated with a poor public image. Journalists may also value respect for its own sake; one male television editor, for example, illustrated procedural justice's reciprocity when he described fairness as "treating others as I would wish to be treated."

It is the public's relatively low mean value for respect (1.41) that is particularly curious. It's important to remember that a 1.41 mean value is roughly halfway between "very important" and "somewhat important," so it would be incorrect to say the public doesn't value respect. However, there are at least three possible reasons for the somewhat lower value on respect. First, the public may consider a 1.41 mean to be a perfectly fine showing of respect, especially when that respect is directed at people they do not know. Second, the public may have shared the opinion expressed by some of the journalists that not everyone deserves respect. "Why should a reporter 'respect' Idi Amin?" one male free-lance reporter responded.

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[45] For example, see *Examining our Credibility*, issued by the American Society of Newspaper Editors, 1999, available online at http://www.asne.org/kiosk/reports/99reports/1999examiningourcredibility. Among the findings: Almost 80 percent of those surveyed thought that journalists enjoyed reporting on the personal failings of politicians and public figures.

The third explanation is an extension of the second: If the public thinks media coverage is dominated by bad news, it may think that journalists spend a lot of time reporting on bad people doing bad things, and such people and actions do not deserve respect.

This paper has offered a framework for thinking about fairness, but in the final analysis fairness is decided on an individual basis on a gut level. What's fair for me may not seem fair to you. Furthermore, accuracy, balance, expertise, and respect are just four elements that can feed into fairness; a fuller description of fairness is likely to include more professional values, such as completeness and context. However, this exploratory study has shown that the public and journalists place different values on three of these elements – accuracy, balance, and respect – and that neither side has a particularly good understanding of the values of the other.

Table 1: Coorientation agreement

Comparisons of value* placed on elements of fairness

	Public**	Journalists**	Significance*** of difference between samples
Accuracy	1.28	1	p <.001
Balance	1.41	1.11	p <.001
Expertise	1.53	1.57	p=.660 (no significant difference)
Respect	1.41	1.24	p= .027

* Value was calculated by producing a mean number for responses: 1 = very important, 2 = somewhat important, 3 = not very important, and 4 = not at all important.

** Public N=748, Journalists N=84. Because the journalist surveys were collected in two different procedures, the mean averages of the SPJ sample were tested against the mean averages of the snowball sample. No significant differences were found.

*** Journalists were surveyed in an availability sampling and therefore are not a representative, sample. However, the resulting numbers are valid for an exploratory study. Because more than twice as many members of the public were surveyed as journalists, a Levene's test for equality of variance was run. Significant Levene differences in all variables except for "expertise" were found between the two samples; significance for all variables except "expertise" was therefore measured with equal variances not assumed. Significance for "expertise" was measured with equal variances assumed.

Table 2: Coorientation congruency

Comparing the public's value with their estimation of journalists' values

	Public's value	Public's estimation of journalists' values	Significance of difference
Accuracy	1.28	2.24	p<.001
Balance	1.41	2.34	p<.001
Expertise	1.53	2.11	p<.001
Respect	1.41	2.31	p<.001

Table 3: Coorientation congruency

Comparing journalists' value with their estimation of the public's values

	Journalists' value	Journalists' perception public's values	Significance of difference
Accuracy	1	1.12	p=.003
Balance	1.11	1.42	p<.001
Expertise	1.57	1.87	p=.001
Respect	1.24	1.51	p=.001

Table 4: Coorientation accuracy

How accurately public perceives journalists' values

	Public perception of journalists' value	Journalists' value	Significance** of difference
Accuracy	2.24	1	p<.001
Balance	2.34	1.11	p<.001
Expertise	2.11	1.57	p<.001
Respect	2.31	1.24	p<.001

Table 5: Coorientation accuracy

How accurately journalists perceive public's values

	Journalists' perception of public value	Public's value	Significance of difference
Accuracy	1.12	1.28	p<.001
Balance	1.42	1.41	p=.866 (no significant difference)
Expertise	1.87	1.53	p<.001
Respect	1.51	1.41	p=.207 (no significant difference)

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Leaks
How Do Codes of Ethics Address Them?

Presented to AEJMC – August 2001
Media Ethics Division

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Introduction

On Nov. 4, 2000, President Bill Clinton vetoed the Intelligence Authorization Act for 2001 because of what he termed "one badly flawed provision."[1] The provision, designed to prevent and punish government leaks, had been requested by the CIA. In vetoing the Act, however, Clinton recognized the basic conflict inherent in government leaks, a conflict between legitimate government interests in secrecy and the public's right to know. "I agree that unauthorized disclosures can be extraordinarily harmful to United States national security interests and that far too many such disclosures occur. . . . Unauthorized disclosures damage our intelligence relationships abroad, compromise intelligence gathering, jeopardize lives, and increase the threat of terrorism," Clinton said in his veto message. However, Clinton stressed the need to also recognize a countervailing interest --- "the rights of citizens to receive the information necessary for democracy to work." The antileak law, said Clinton, "does not achieve the proper balance." [2]

While the President focused on balancing national security concerns and the public's right to know, journalists in opposition to the antileak provision also raised practical concerns. "Any effort to impose criminal sanctions for disclosing classified information must confront the reality that the 'leak' is an important instrument of communication that is employed on a routine basis by officials at every level of

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[1] President Clinton's statement. Quoted in *RTNDA News Release,* November 6, 2000, available online at htttp://www.rtndf.org/news/2000/ractvall.shtml, accessed November 27, 2000.

[2] *Id.*

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government,"[3] chief executives of major news organization[4] said in a letter to Clinton urging him to veto the provision. The battle over the antileak provision demonstrates the seriousness of the problem.

Without sources, there would be no news stories. Encountering the high wall of secrecy in the government, American journalists often rely on leaks to obtain information. In some respects, receiving leaked information has become an inevitable survival technique for journalists to attain and retain standing in their profession. An obsession with exclusivity compels journalists to rely excessively on leaks. Obtaining a scoop enables a journalist to prove his or her ability. A reporter profits by appearing to be more enterprising and better informed than his or her colleagues or competitors.

But leaking of specific information is also an important means for the government to control the media.[5] Richard Halloran, a former *New York Times* Pentagon reporter, asserted that leaking is "a political instrument wielded almost daily by senior officials within the Administration to influence a decision, to promote policy, to persuade Congress and to signal foreign governments. Leaks are oil in the machinery of government."[6] Some leaks are used to influence an internal struggle within the

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[3] Quoted in *New York Times*, November 1, 2000, A29.

[4] *CNN*, the *Washington Post*, the Newspaper Association of America and the *New York Times*.

[5] Abbas Malek ed, *News Media and Foreign Relations: a Multifaceted Perspective* (Norwood, N.J.: Ablex Publishing Corporation, 1997), 9-10.

[6] Richard Halloran, "A Primer on the Fine Art of Leaking Information," *New York Times*, January 14, 1983, A16.

government. Reporters are aware that officials are using them. But in exchange for the information journalists need to produce the exclusives and scoops, they allow themselves to be used by government sources.

Independence, however, is one of the principles of the journalistic profession. Conrad Fink argued, "Principled journalists make every effort to remain free of any association, ideology, group or person that might restrict freedom of the press or their personal freedom to cover the news as it must be covered."[7] During the late 18th and early 19th centuries, United States journalism was considered "a common component of the government."[8] Even though freedom of the press was considered an important professional concern, independent and autonomous reporting was not. But in the 20th century independence from the government became an important value in American journalism circles. A collaborating press-government relationship is "no longer deemed desirable or acceptable by most citizens."[9] Fink emphasized: "Being independent is, really, fundamental to all principles so firmly held by journalists. Reporters whose conduct or associations compromise their independence and integrity cannot pretend to serve the public or act as stewards of the First Amendment or, obviously, be fair and balanced."[10]

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[7] Conrad C. Fink, *Media Ethics* (Boston: Allyn & Bacon, 1995), 13.

[8] Kristine A. Oswald, "Mass Media and the Transformation of American Politics," *Marq. L. Rev.* 77 (1994), 389, n23.

[9] *Id.*

[10] Fink, *Media Ethics,* 18.

In the United States, the press's watchdog role over the government is "rooted in a provision of the First Amendment through which the Framers sought to ensure press independence."[11] The First Amendment, which is the most significant legal protection for freedom of the press, serves "to insulate the press from the government to enable the press to perform its Fourth Estate role."[12] In that context, leaks symbolize one of the most serious moral dilemmas of American journalists. While voicing allegiance to journalistic autonomy and ethical standards consistent with the First Amendment guarantee, American journalists, nonetheless, allow government officials to manage the news and manipulate news stories through leaks. In order to maintain their competitiveness, journalists willingly become the government's managerial tool, often ignoring fundamental precepts of journalism ethics – independence and the fourth branch function. As John Merrill noted: "Reporters and editors are usually willing to cooperate in their own manipulation by government. The press seldom tries to provide its audience with the real story behind the leaks."[13]

The purpose of this paper is to analyze how journalistic codes of ethics in the United States wrestle with the matter of leaks. Do journalistic ethics codes recognize the conflict caused by leaks? Do they provide any guidance for dealing with leaks and/or

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[11] David Joseph Onorato, "A Press Privilege for the Worst of Times," 75 *Geo. L. J.* 361 (October 1986), 361.

[12] Randall Bezanson, "The New Free Press Guarantee," 63 *VA. L. REV.* 731 (1977), 752-54.

[13] John Merrill, *The Imperative of Freedom: A Philosophy of Journalistic Autonomy* (New York: Freedom House, 1990), 182-83.

leakers?

While the effectiveness of codes of ethics has been the subject of considerable debate, codes of ethics in journalism are one avenue to understanding and evaluating journalism standards and values. David Boeyink has argued, "While a variety of mechanisms of accountability have been advocated, codes of ethics have been the most widely used."[14] And according to Abbott, "ethics codes are the most concrete cultural form in which professions acknowledge their societal obligation," [15] Analyzing journalistic codes of ethics can help reveal what notions and perceptions journalists in the United States have about leaks, which are one of the most important moral dilemmas they face.

Literature Review

The literature that provides the foundation for this study can be placed in two categories: 1) literature discussing leaks that focuses on the definition of the term, the use of leaks by officials and the negative impact of leaks on both government and journalism; 2) studies of codes of ethics that examine what functions codes of ethics have for journalists and what codes of ethics should say for journalistic practices.

Leaks: Anonymity is an inevitable element of news leaks. Every leaker is an anonymous or unnamed source, but not every anonymous source is a leaker. The most

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[14] David E. Boeyink, "How Effective Are Codes of Ethics? A Look At Three Newsrooms," *Journalism Quarterly* 71 (1994), 893.

[15] Andrew Abbott, "Professional Ethics," *American journal of Sociology* 88(1983), 856.

important difference between leakers and other anonymous sources lies in the process of getting the information. Richard Kielbowiz said: "The term leak, coined in the early twentieth century, was originally applied to inadvertent slips in which information was picked up by reporters. The word quickly acquired a broader, more active meaning: any calculated release of information to reporters with the stipulation that the source remain unidentified."[16] Most authors use the term leaks to refer only to information provided by government officials.

Differentiating leakers from backgrounders, which are also anonymous sources, Sigal said that in leaks, "the official deals with reporters as individuals, never in a group. . . . The contact is non-routine and initiated by the officials. Some background briefings are held on a regular basis at the instigation of the reporters themselves."[17] Martin Linsky explained that "a leaker is more regularly someone who takes the initiative with the journalists; an anonymous source is a person the journalist contacts, often routinely, for information and insight."[18] In order to support his definition, Linsky quoted the words of Albert Hunt, then Washington bureau chief for the *Wall Street Journal,* "Leaks are stories that are instigated, sometimes by the government, for a purpose."[19] Melvin Mencher added, "The leak is one of the instruments of government. . . . The other

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[16] Richard B. Kielbowicz, "Leaks to the Press as Communication Within and Between Organization," *Newspaper Research Journal* 1 (1979/80), 53.

[17] Leon V. Sigal, *Reporters & Officials; The Organization and Politics of Newsmaking* (Lexington, Mass.: D.C. Heath & Company, 1973), 144.

[18] Martin Linsky, *How the Press Affects Federal Policymaking* (New York: Norton,1991), 170.

common characteristic of the leak is that it serves the leaker's purpose."[20] The line drawn between leakers and general anonymous sources is based upon whether the contact is initiated by the official or the journalist, and the source's motivation in providing information.

Stephen Hess identified six categories of leaks according to the leaker's motivations:

> (1) The ego leak: giving information primarily to satisfy a sense of self-importance.
> (2) The goodwill leak: a play for a future favor.
> (3) The policy leak: a straightforward pitch for or against a proposal using some document or insider's information.
> (4) The animus leak: information is disclosed to embarrass another person.
> (5) The trial-balloon leak: revealing a proposal that is under consideration in order to assess its assets and liabilities.
> (6) The whistle-blower leak: going to the press may be the last resort of frustrated civil servants who feel they cannot correct a perceived wrong through regular government channels.[21]

According to Hess, some leaks "promote the public good" while others "injure the public good. . . . Leaks qua leaks, then, are not an unalloyed good, although they are a means of protest that is justified for some types of dissenters who do need protection."[22] Overall, however, Hess' evaluation of leaks was negative:

> To discuss the leaking of information as if it were a rational and necessary system of communicating among Washington players is to assume that the players to whom messages are supposedly being sent via the media understand the senders' intentions. If

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[19] *Id.*

[20] Melvin Mencher, *News Reporting and Writing* (Boston: McGraw Hill, 1997), 313.

[21] Stephen Hess, *The Government/Press Connection: Press Officers and Their Offices* (Washington, D.C.: The Brookings Institution, 1984), 77-8.

[22] *Id.* at 92-3.

> that were so, then regular leaks would be a useful way of communicating from one agency to another, from one individual to another within an agency, and from one branch of government to another without having messy confrontations or denials or wasted time and red tape. Sometimes things do work this way. But more often the senders are so clever or so inept as to be totally misunderstood, or else the message gets garbled in transmission.[23]

Thus, he warned that "in management terms, leaks or the threat of leaks may lead to hurried or conspiratorial decision-making."[24]

Some leaks, as Linsky argued, can distort the direction and content of a policy. Analyzing a leak of the Carter administration's decision to relocate more than 700 families from Love Canal, he wrote: "There is no doubt that the leak was one of the key factors in making the policymakers feel that they had to act more quickly than they would have preferred. The leak advanced the story ahead of the policymaker's schedule and put them on the defensive, forcing them to explain themselves and make future commitments to demonstrate that they were on top of the situation."[25]

The animus leak is a tool of immoral political players. Animus leakers exploit reporters as conveyors of disinformation. A reporter who is eager only to receive credit for scoops does not much concern himself about the character of the leaked information - rumor or disinformation. According to Tom Goldstein, the mixed type of the policy leak and the animus leak occurs between prosecutors and reporters:

> When prosecutors leak to journalists, journalists invariably get manipulated, and the target of the leak usually gets unfair treatment by being stigmatized in the press. Most of the time, reporters do not understand or try to discover the motive of a prosecutor, and it

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[23] *Id.* at 93.

[24] *Id.*

[25] Linsky, *Impact,* 169.

> is rare that officials confer benefits on reporters without some selfish motive. Occasionally a prosecutor who is unable to secure an indictment under the rules of evidence seeks to harm his target by means of unfavorable publicity. He will leak derogatory information about such a target to reporters grateful to get exclusives and who proceed to injure someone who, at least in the eyes of the law, is not culpable.[26]

His explanation details the symbiotic relation between leakers who have animus purpose and reporters who are obsessed with exclusivity. Discussing leaks about the removal of Secretary of State Alexander Haig in 1981, Elie Abel wrote, "There is general agreement among reporters that the somewhat premature rumors were planted by hostile sources inside the administration."[27]

Because of these functions of leaks, they have been characterized by many scholars as harmful and unacceptable behavior of government officials and journalists. Sigal presented leaks as a weapon wielded to enhance the bargaining position of an official or a policy position.[28] While defining a leak as "the unauthorized disclosure of secret government information,"[29] A. P. Tant labeled leaks as "acts of irresponsibility or

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[26] Tom Goldstein, *The News At Any Cost: How Journalists Compromise Their Ethics to Shape the News* (New York: Simon & Schuster, 1985), 50.

[27] Elie Abel, *Leaking: Who does it? Who benefits? At what cost?* (New York: Priority Press, 1987), 20. Abel explained: "Both Alexander Haig, then secretary of state, and Richard Allen, the national security adviser, became targets of leakers within the administration. The late Joseph Kraft devoted his syndicated column of October 27 [1980] to rumors of an impending shake-up: Haig would be replaced at the State Department by Casper Weinberger. . . . Much the same story was broadcast the following day on CBS's 'Evening News' by Bob Schieffer. Both Haig and Allen were removed within a year."

[28] Sigal, *Reporters and Officials*, 250.

[29] A. P. Tant, "Leaks and the Nature of British Government," *The Political Quarterly* 66 (1995), 197.

betrayal."[30] Reporting on the leaking of information from President Clinton's deposition in the sexual harassment case filed by Paula Jones, Richey asserted: "From a journalistic perspective, such news reports are dangerous because a leak may not be accurate and likely reflects the undisclosed bias of the leaker. From a legal perspective, such a flood of leaks in the face of a protective order by a federal judge suggests a lack of respect for the law and the legal process."[31] Daniel Schorr pointed out that leaks can have legal as well as moral ramifications for journalists: "It is a crime to leak grand jury information. Although it is not a crime for a reporter to receive such information, theoretically he or she could be called as a witness to a crime."[32]

For Randolph, though, a key danger of leaks is that they undermine journalistic independence. "A leak from a high-level official is more often a strategic move to help formulate or further a policy, and many journalists fear that they are being used as part of the process rather than as disinterested reporters relaying facts to the public."[33]

In sum, unlike general anonymous sources, leakers can be defined as sources, primarily government officials, who want to exploit reporters for their purposes, giving

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[30] *Id.*

[31] Warren Richey, "Washington plays the leak game," *Christian Science Monitor* February 5 1998, 1.

[32] Daniel Schorr, "Leaks from the Top," *New Leader* 81 (1998), 3.

[33] Eleanor Randolph, "Journalists Face Troubling Questions About Leaks from Criminal Probes," *Washington Post*, August 12 1989, A 4, quoted in Ron F. Smith, *Groping for Ethics in Journalism* (Ames: Iowa State University Press, 1999), 77-8.

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exclusive information that is sometimes rumor or disinformation.

Codes of ethics: The press in the United States has "very slowly but steadily learned to criticize itself and adopt some of the same ethical standards it has insistently demanded of public officials."[34] But, as Goldstein pointed out, "The standard justification of journalists – that their ends justify the means – ordinarily fails to withstand close scrutiny."[35] Journalists have been criticized for being reluctant to adhere to any ethical standard.[36]

Despite the growing numbers of codes of ethics, their effectiveness has continually been debated. Noting that "social scientists have repeatedly found that there is little correlation between ethical beliefs and ethical behavior," Flink argued, "For journalists a written ethical code is comforting, high-minded, and impractical. It may be employed as a shield – 'We do things right, read our code.' Or at best it is a reminder – often eloquently composed – of ineffable ideals."[37] David Pritchard and Madelyn Morgan sought to measure the effectiveness of written codes of ethics. They concluded: "The adoption of ethics codes should not necessarily be expected to make journalists

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[34] Stanley E. Flink, *Sentinel Under Siege: The Triumphs and Trouble of America's Free Press* (Boulder, Colorado: Westview Press, 1997), 10.

[35] Goldstein, *The News At Any Cost: How Journalists Compromise Their Ethics to Shape the News*, 17.

[36] A student essay at the University of Florida, 1983, stated, "If you're too ethical and nice, you're never going to get anywhere in journalism, in my opinion. . . . As a journalist, you do whatever you have to for a story. That's your job." Quoted in *id.* at 9.

[37] Flink, *Sentinel Under Siege*, 259.

more ethical. . . . The results of this study provide no support for the assumption that ethics codes directly influence the decisions journalists make. . . . It may be that the most important effects of ethics codes are symbolic, rather than behavioral."[38]

However several scholars have discussed the useful functions of media codes of ethics from a normative perspective. David Gordon, a proponents of ethics codes, argued: "Written codes help acquaint media neophytes with some of the key ethical issues and principles they will face as practitioners. . . . More generally, codes can sharpen the focus on ethical issues that people in all branches of the media must face regularly."[39] Gordon defended codes of ethics from criticism for lack of enforcement: "Ethics, by its nature, deals with what should happen rather what can be legalistically enforced."[40] Tome Goldstein expressed doubt about the effectiveness of codes of ethics becasue"the gap between the admirable sentiments expressed in the codes and the way journalists actually behave is wide indeed," but he also acknowledged their usefulness for media neophytes: "Codes can be useful, especially for young journalists, in setting out what situations represent conflicts of interest and what do not, in explaining what plagiarism is."[41] While mentioning the educational function of codes, Jay Black pointed out their usefulness not only for media newcomers, but also for media veterans. He wrote, "A good code

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[38] David Pritchard and Madelyn Peroni Morgan, "Impact of Ethics Codes on Judgments By Journalists: A Natural Experiment,"Journalism Quarterly 66 (1989), 934, 941.

[39] David Gordon and John Michael Kittross, *Controversies in Media Ethics 2th ed* (New York: Longman, 1999), 63.

[40] *Id.* at 64.

[41] Goldstein, *The News At Any Cost*, 167.

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promotes ethical thought and behavior within a profession. This is especially important for newcomers, who may not know the complexity of the craft's moral land mines. But it is also of value for veterans faced with pressures from the peers and higher-ups to violate a profession's values and norms."[42] Deni Elliot-Boyie added, "U.S. journalists, like members of every other formal or informal group, operate within a set of understood conventions that govern behavior. . . . While codes can provide working journalists with statements of minimums and perceived ideals, the codes can also help journalists abstract and articulate these understood of conventions of the business."[43]

Insisting that "an ethical code of practice will have both positive and negative aspects, detailing what is required and what is prohibited. Both aspects clearly have a contribution to make to media quality," Andrew Belsey and Ruth Chadwick enumerated what contributions a code will have for media quality:

> A code of practice for the media, for example, could require journalists to be honest and accurate in all matters, to be impartial and objective in reporting news, to publish corrections, to offer a right of reply, to protect the identity of confidential sources. It could also, presumably, prohibit deception, harassment, invasions of privacy, doorstepping the victims of traumatic events, exploiting children, buying the stories of criminals.[44]

In his case study of *The Courier-Journal,* in Louisville, Kentucky, David Boeyink concluded that "ethical standards were not public relations tools but working principles

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[42] Jay Black, "Now that we have the ethics codes, How do we use it?" *Quill* 84 (1996), 24.

[43] Deni Elliot-Boyle, "A Conceptual Analysis of Ethics Codes," *Journal of Mass Media Ethics* 1 (1985/86), 22.

[44] Andrew Belsey and Ruth Chadwick, "Ethics as a Vehicle for Media Quality," in Rober M. Baird, Wiliam E. Loges & Stuart E. Rosenbaum, eds., *The Media & Morality* (New York: Prometheus Books, 1999), 61.

that shaped frequent ethical discussion and helped determine behavior."[45]

But some scholars have pointed out that codes of ethics for journalists merely advocate ideal standards of behavior and lack of practical value. Niegel Harris argued, "Many existing codes. . . . they present lists of the types of action which are to be avoided, but say relatively little about what would constitute good practice and how it might be achieved."[46] Thus, Philip Seib and Kathy Fitzpatrick suggested, "Codes should be explain the ethical philosophy behind such that journalists are stimulated to think about not only what is right or wrong, but also why it is right or wrong. Rather than simply providing a list of *dos* and *don'ts,* codes should articulate the importance of adhering to ethical norms."[47]

In summary, while they are criticized for being emblematic and impractical, codes of ethics have been the most widely used mechanism for journalistic accountability. Codes of ethics are expected to upgrade the behavior of journalists.

Method and Research Questions

A total of 41 codes of ethics were assembled for this study. Among them are codes of ethics from the American Society of Newspaper Editors, Society of

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[45] David E. Boeyink, "Codes and Culture at *The Courier-Journal:* Complexity in Ethical Decision Making," *Journal of Mass Media Ethics* 13 (1998), 180.

[46] Niegel G.E. Harris, "Codes of conduct for journalists," in Anderw Belsey & Ruth Chadwick, eds., *Ethical Issues in Journalism and Media* (New York: Routledge, 1992), 75.

[47] Philip Seib and Kathy Fitzpatrick, *Journalism Ethics* (Fort Worth, TX.: Harcourt Brace & Company, 1997), 14-5.

Professional Journalists, The Associated Press, Gannett Co., the *New York Times,* the *Los Angles Times*, and the *Washington Post.* They were not randomly sampled. The study used every code submitted to ASNE,[48] a total of 39, and two additional codes collected by the Center for the Study of Ethics in the Professions.[49] The contents of those codes were analyzed to answer the following questions.

(1) Do journalistic codes of ethics explicitly address the handling of leaks as an ethical issue?

(2) If so, how? What guidelines within the codes address dealing with leaked information and its sources?

(3) Do codes of ethics indirectly address the handling of leaks? Which provisions within codes can be interpreted as relating to the use of leaks? What guidance do these provisions provide journalists in deciding whether and how to use leaked information?

(4) Is the guidance codes provide regarding leaks adequate?

Analysis

None of the 41 codes of ethics analyzed for this study explicitly mentions leaks. Of the 41 codes of ethics analyzed, 15, including those of the *Los Angles Times,* Associated Press, Chicago Tribune Company and the *Philadelphia Inquirer,* do not even

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[48] Available online at http://www.asne.org/ideas/codes/codes.htm, accessed February 6, 2001. ASNE last updated this page on December 13, 2000.

[49] Available online at http://csep.iit.edu/codes/coe/, accessed September 7, 2000.

mention sources.[50]

Although 26 of the 41 codes discuss "sources," "anonymous sources" or "unnamed sources," no code uses the term leaks or leaker. Most codes that have sections on sources stress that the use of an anonymous source can lessen the credibility of the story and the institution, but they do not mention leaks. No codes explicitly provide guidelines on how to deal with secret information from governmental officials who want to influence the outcome of the policy making process or attack a person or an institution for their own purposes.

Only four of the 26 codes that discuss sources implicitly deal with leakers. These codes do not use the term leaks, but they warn news employees not to be used by anonymous sources with animus purposes. For instance, the Gannett code provides these guidelines concerning anonymous sources with questionable motives: "Do not allow unnamed sources to take cheap shots in stories. It is unfair and unprofessional. Expect reporters and editors to seek to understand the motivations of a source and take those into account in evaluating the fairness and truthfulness of the information provided."[51] The Gannett code urges reporters and editors to check the purposes of unnamed sources. Although the code does not use the term leaks, the guidelines imply that reporters and editors should not be exploited by leakers.

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[50] Among 15 are *Des Moines Register and Tribune,* E.W.Script Company, *Gazette* in Cedar Rapids, Iowa, *Herald-Times* in Bloomington, Ind., *Houston Chronicle, Journal Gazette* in Fort Wayne, Ind., *News-Times* in Danbury, Ct., *Pittsburgh Post-Gazette, Seattle Times,* Society of American Business Editors and Writers, *Tribune-Democrat* in Johnstown, Pa..

[51] *Gannett Newspaper Division, Protecting Principles of Ethical Conduct For Newsrooms,* Using unnamed sources.

The ethics code of the *Journal News* in White Plains, New York likewise states, "The motive of the anonymous source should be fully examined to prevent our being used unwittingly to grind someone's ax."[52] The code of the *Daily Press* in Newport News, Virginia declares, "Unnamed sources are best avoided, particularly where the information they provide is somehow accusatory."[53] The *New York Times* code also tersely mentions, "The general rule is to tell readers as much as we can about the placement and known motivation of the source."[54]

The other 22 codes urge editors and reporters to disclose the identity of sources whenever they can, although they do not explicitly or implicitly wrestle with the matter of leaks. In the meantime, most of the 22 codes stress the protection of confidential sources. Some media institutions note the importance of anonymous sources for their newsgathering, but they do not call their employees' attention to the negative aspects of anonymous sources.

The *Washington Post* code says about "sources": "*The Post* is pledged to disclose the source of all information when at all possible. When we agree to protect a source's identity, that identity will not be made known to anyone outside *The Post*. . . . Before any information is accepted without full attribution, reporters must make every

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[52] *Journal News, Standards of Professional Conduct for news employees,* Unnamed Sources.

[53] *Daily Press, Statement of Journalism Ethics,* Confidential Sources.

[54] *New York Times, Guidelines on Our Integrity.*

reasonable effort to get it on the record."[55] But *The Post* does not mention examining the motivations and purposes of informants who seek anonymity.

The RTNDA (Radio-Television News Directors Association) code of 2000 instructs professional electronic journalists: "Identify sources whenever possible. Confidential sources should be used only when it is clearly in the public interest to gather or convey important information or when a person providing information might be harmed. Journalist should keep all commitments to protect a confidential sources."[56] The *Wisconsin State Journal* code advises that "the use of unattributed quotations is strongly discouraged and must be cleared with the editor or managing editor." It also stresses that "*State Journal's* staffers acknowledge the journalists' ethic of protecting confidential sources of information."[57]

The ASNE code briefly mentions sources: "Pledges of confidentiality to news sources must be honored at all costs. . . . Unless there is clear and pressing need to maintain confidences, sources of information should be identified."[58] The *Arizona Republic* code emphasizes protection of confidential sources in the segment on sources: "Reporters should not make a pledge or promise of confidentiality they are not empowered to honor and enforce, and editors should honor promises properly made by

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[55] *Washington Post, Standards and Ethics,* Attribution of Sources.

[56] RTNDA, *Codes of Ethics and Professional Conduct,* Integrity.

[57] *Wisconsin State Journal, Code of Ethics.*

[58] ASNE, *Statement of Principles,* Article VI.

reporters."[59] The *Richmond Times-Dispatch* code's main concern is also the protection of anonymous sources. It states: "Pleges of anonymity to news sources should be made sparingly with the utmost caution and ideally after consultation between reporter and editor. . . . A pledge of anonymity by a reporter or editor will be honored by the *Times-Dispatch*."[60]

The *Orlando (Fla.) Sentinel* code stresses that "the use of anonymous sources should be avoided because it undermines the newspaper's credibility." And it details how to deal with various anonymous sources: "Reporters should be careful to note the distinction between information provided on the record, on background and off the record."[61] But the *Orlando (Fla.) Sentinel* code does not differentiate leaks from other anonymous sources. The *San Francisco Chronicle* states: "The use of confidential sources should be the exception rather than the routine. . . . The decision to use a confidential source can lessen the credibility of the story and the newspaper. . . . A reporter who pledges confidentiality to a source must not violate that pledge." In particular, the *Chronicle* code says that "editors and reporters should seriously consider the value of information received from a confidential source before deciding to print it."[62] The *San Francisco Chronicle* guidelines only note "the value of information," not the character of information, that is, whether it is leaked information or not.

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[59] *Arizona Republic, Ethics Code,* Sources.

[60] *Rithchmond Times-Dispatch, Guidelines For Professional Conduct,* Conduct.

[61] *Orlando Sentinel, Editorial Code of Ethics,* Using anonymous sources.

[62] *San Francisco Chronicle, Ethical News Gathering,* Sources.

While ethics codes' provisions addressing sources, especially confidential sources, seem to be the most likely place for journalists to look for guidance in dealing with leaks, code sections discussing journalistic autonomy and independence might also be expected to provide some guidelines, given the widespread recognition in the literature that leaks are a way for officials to manipulate and use the media. Thirty-nine of the 41 codes analyzed for this study contain provisions directly or indirectly referring to journalistic independence, yet none explicitly mentions the threat to autonomy posed by leaks.

The Society of Professional Journalists code, for example, contains a section labeled "Act Independently," which contains several statements that could have relevance for the handling of leaks. One tells journalists to "remain free of. . . . activities that may compromise integrity or damage credibility." Another warns, "Be wary of sources offering information for favors." The favors, of course, that leakers want is the very disclosure of their information in the manner and at the time they choose. That section also tells journalists to resist pressure from advertisers and special interests "to influence news coverage." Government leakers would seem to qualify as "special interests" who attempt "to influence news coverage."[63]

Likewise, the ASNE code says that its members "should neither accept anything nor pursue any activity that might compromise or seem to compromise their integrity."[64] The Associated Press Managing Editors code also stresses in the section of

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[63] Society of Professional Journalists, *Code of Ethics*, Act Independently.

[64] ASNE, *Statement of Principles*, Article III.

"Independence" that "the newspaper and its staff should be free of obligation to news sources and newsmakers. Even the appearance of obligation or conflict of interest should be avoided. Newspapers should accept nothing of value from news sources."[65] The *Kansas City (Mo.) Star* code instructs its editorial employees that they "must aggressively seek and fully report the truth while remaining independent and free from any legitimate suggestion that their independence has been compromised."[66] The *Roanoke (Va.) Times* code briefly says that "the independence of our editors, reporters and photographers is not for sale."[67] The *Philadelphia Inquirer* code stresses that "a staff member may not receive payment from anyone or any organization that he or she might he expected to cover or make news judgments about."[68] The code of the *Deseret News* in Salt Lake City, Utah says that "no employee should accept a gift. . . . or any other benefit in exchange for a promise – implied or otherwise – to place or influence a story in the newspaper."[69] Relating to journalistic independence, the *Journal News* in White Plains code specifically mentions government control: "To warrant the public's

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[65] Associated Press Managing Editors, *Codes of Ethics*, Independence.

[66] *Kansas City Star, Conflicts of interest.*

[67] *Roanoke Times, News and Editorial Mission and Vision*, The Duty of Landmark Newspapers.

[68] *Philadelphia Inquirer, Conflicts of interest.*

[69] *Desert News, Code of Ethics.*

trust, a newspaper must be free of governmental control and official coercion."[70] However, none of the 39 codes that mention independence directly or indirectly, including the *Journal News* code, ever explicitly recognizes that leaks might be a threat to that value and journalists should not allow themselves to be a managerial tool of officials through leaks.

Journalists' use of leaks relates to two main issues addressed in at least some codes of ethics – the proper use of confidential sources and the need to maintain journalistic independence. The problem, however, is that none of the codes draws the necessary connection between those two provisions to provide guidance to reporters and editors dealing with leakers and their often questionable motives. The code sections on confidential sources discourage the use of unnamed sources while at the same time emphasizing the need to protect the anonymity of a source once a promise of confidentiality has been made. The primary concerns of the sources provisions seem to be, first, maintenance of credibility with the audience by identifying sources whenever possible and, second, promise-keeping to sources. Only a handful of codes even hint at the threat anonymous sources might pose to journalistic independence, and none explicitly mentions leaks.

The independence provisions, on the other hand, warn journalists to avoid being manipulated and used, urge them to avoid outside pressures, and caution against conduct that compromises journalistic integrity. Yet, the focus of those sections tends to be the acceptance of gifts, favors and special treatment, conflicts of interest, and potential pressures created by advertisers. The link between autonomy and sources, especially

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[70] *Journal News, Standards of Professional Conduct for news employees.*

leakers, is not made.

Conclusion

Leaks are an important element in the relationship between journalists and the government. The use of leaks also reflects on the character of journalism. Therefore, many political science and journalism scholars have studied the matter of leaks. And despite hot debates over their effectiveness, codes of ethics are one avenue to identifying journalists' ethical principles and concerns. Codes of ethics "reflect the various ways American newspapers address matters of ethics."[71]

However, the 41 American codes of journalism ethics analyzed for this study never use the term leaks and never explicitly wrestle with the matter of leaks. Only four of the 41 codes indirectly address the handling of leaks, but they do not provide journalists in deciding whether and how to use leaked information with an adequate guidance. Even though 39 of the 41 codes analyzed for this study pay attention to journalistic autonomy, no code emphasizes independence from leakers. Why? It may be the result of journalists' attitude toward leaks.

In a 1980 survey of journalists, 87% said the use of leaks was a good practice.[72] The letter chief executives of four of the largest news organizations wrote to President

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[71] Bob Steele, "Codes of Ethics and Beyond," available online at http://poyter.org/research/me/coethics.htm, accessed September 7, 2000.

[72] *See* Hugh Culbertson, "Leaks – A Dilemma for Editors as well as Officials," *Journalism Quarterly* 57 (1980), 402. In this paper, while explaining the results of the survey of journalists, Culbertson wrote, "About 81% of them felt unnamed sources were less believable, on the whole,

Clinton opposing the antileak law provides an important clue to understanding American journalists' perception of leaks. The executives of prominent media institutions defined leaks not as the managerial tool of government officials but as an important instrument of communication by officials. Their definition is strikingly different from the definition of many scholars. Regardless of scholarly criticism of leaks, most journalists are in favor of leaks. For them, leaking is not "act of irresponsibility or betrayal" or "crime," causing them an ethical dilemma. Journalists seem to consider leakers to be not traitors in government but persons who want to reveal corruption or duplicity. Those perceptions might be one reason journalists ignore the subject of leaks in their codes of ethics. Further research could reveal more exact reasons.

As members of the press dig deeper to get to the truth of events in government, anonymous sources increase. Journalists without confidential sources are no more than soldiers without weapons. But the more journalists grant anonymity to sources without verifying their bias, calculation and purpose, the more often they sink to being government's managerial tool, putting journalists on slippery moral ground. Journalistic independence can't be truly achieved if journalists receive information from government leakers who attempt "to influence news coverage" for favors - the very disclosure of their information in the manner and at the time they choose. A code of ethics "promotes ethical thought and behavior within a profession." Codifying the definition of leaks and creating guidelines for avoiding being targets of leakers will lessen the danger of their moral ambiguity. At a minimum, codes of ethics should acknowledge that leaks are often a tool of officials with self-interests, and they should advise journalists to discard any

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than named. Yet 87% said the use of leaks is, on balance, a good practice."

leaked information from officials with animus purposes.

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Appendix – codes of ethics analyzed

(Alphabetical order)

Arizona Republic (Phoenix)

Asbury Park Press (Neptune, New Jersey), Our code of ethics

ASNE, Statement of Principles

Associated Press Managing Editors, Code of Ethics

Chicago Tribune Company, Editorial Ethics Policy

Daily Press (Newport News, Virginia), Statement of Journalistic Ethics

Dallas Morning News, News Department Guidelines

Des Moines Register and *Tribune*, Code of Ethics

Deseret News (Salt Lake City, Utah), Code of Ethics

E. W. Scripps Company, Statement of Policy on Ethics and Professional Conduct

Gannett Newspaper Division

Gazette (Cedar Rapids, Iowa), Code of Ethics

Herald Times (Bloomington, Indiana), Newsroom Code

Houston Chronicle, Human Resources Guide

Journal Gazette (Fort Wayne, Indiana), Ethics Policy

Journal News (White Plains, New York), Standards of Professional Conduct for news employees

Kansas City (Mo.) Star, Conflicts of interest

Lincoln (Neb.) Journal Star, Ethics Code

Los Angeles Times, Code of Ethics

Milwaukee Journal, Rules and Guidelines

News-Gazette (Champaign, Illinois), Guidelines for Professional Standards

News Journal (Newcastle, Delaware), Code of Professionalism and Ethics

News-Times (Danbury, Connecticut), Ethics Code

New York Times, Guidelines on Our Integrity

Orlando (Fla.) Sentinel, Editorial Code of Ethics

Philadelphia Inquirer, Conflicts of interest

Pittsburgh Post-Gazette, Statement of Policy

Record (Hackensack, New Jersey), An Ethics Code

Richmond Times-Dispatch, Guidelines For Professional Conduct

Roanoke (Va.) Times, News and Editorial Mission and Vision

Radio-Television News Directors Association (RTNDA), Codes of Ethics and Standards

Society of American Business Editors and Writers (SABEW), Code of Ethics

San Francisco Chronicle, Ethical News Gathering

San Jose Mercury News, Ethics: A Statement of Principles

Seattle Times, Newsroom Policies and Guidelines

Society of Professional Journalists (SPJ), Code of Ethics

Statements Journal (Salem, Orgon), Newsroom Ethics Policy

Tribune-Democrat (Johnstown, Pennsylvania)

Washington Post, Standards and Ethics

Wisconsin State Journal

York (Pa.) Daily Record, Guide to your workplace

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